

## The Solicitors' Journal.

LONDON, MAY 3, 1862.

It is now nearly four years\* since we called attention to the necessity of consolidating the General Orders of the Court of Chancery. We then showed that up to that time there had been no regular system for the promulgation of General Orders, and that in fact there was no certainty in some cases what were the General Orders of the Court. We pointed out that the originals of some of them were to be found only in the British Museum, while others were buried in the Registrars' books, and mixed up with decrees made in private causes. Since we wrote the task of consolidating these General Orders has not only been attempted, but completed, and the profession for the last three years has been in possession of what purports to be the authentic and official code of chancery practice in the shape of Consolidated General Orders. These General Orders purport to prescribe the whole of chancery procedure, or at least all its important particulars and even minutiae. A few days ago, however, an application to the Lord Chancellor, by a suitor in person, for leave to present a petition of re-hearing without the certificate of counsel was the occasion not only of bringing to light a curious slip in the Consolidated Orders, but also of eliciting from the Lord Chancellor an observation which throws considerable doubt upon the *magnum opus* or official code of Lord Chelmsford. When that volume was put into the hands of the profession there was certainly a very general and natural notion that it contained all the General Orders of the Court then in force. Upon looking into Order xxi. which prescribes the proceedings on appeal, there is no provision for such certificate of counsel as has for a very long time been required in practice, where a party appeals from any ordinary decree in the cause. This is the more strange, as the practice was so well settled, and rule 8 of the same General Order prescribes that an appeal from a decretal order made upon motion can only be with the same certificate of counsel as is required in the former case. Lord Westbury, however, refers to an old order of the Court, made little short of 200 years ago, and never published—as the authority for the existing practice. His Lordship says:—"It was not correct to say that there was no order of the Court requiring the signature of counsel to a petition of re-hearing, for, although there was no printed or published Order, there appeared in one of the Registrar's books an Order of Lord Chancellor Nottingham, made probably between the years 1675 and 1680, in which it was laid down that there should be no re-hearing unless the petition were signed by two counsellors, of which one at least should have been employed in the first hearing. The order went on to provide that the applicant should first pay the full costs of the former hearing, and that the counsellors should take care not to sign the petition for the sake of their client or their own fees, but for the sake of justice, so as to keep tender their credit with the Court. Now, although this order might not, in a literal sense, have been published, it had, without doubt, been the practice of the Court ever since." This dictum, if it has any effect, will bring back all the old uncertainty as to what really constitute the existing General Orders governing the practice of the Court.

WE ARE NOT AWARE that it has ever been judicially determined what are the rights of voluntary subscribers to a charity in respect of the application of their donations. The question has often presented itself for con-

sideration outside our judicial tribunals, but in no case that we know of has it been the subject of judicial decision. It has recently been brought prominently before the public by a suggestion which has been made by Mr. Samuel Gurney, acting as the chairman of an association for the benefit of distressed miners, and also by another on behalf of the sufferers from the Gethin Colliery explosion, that a portion of the large fund which has been lately subscribed for the relief of the relatives of those who were killed by the calamitous accident at Hartley Colliery should be appropriated, in the former case for the general objects of the association, and in the latter for the Gethin sufferers. Their position is in all respects so similar to that of the class for whom the money was subscribed that it would be difficult to have the point raised in a more striking manner, and it requires some consideration before one discovers any room for serious doubt as to the duties of the trustees of the fund under such circumstances as those in which they now find themselves. The Charitable Trusts Act, 1853, which may be regarded as forming, together with the recent Act of 1860, the code of procedure relating to the law of charities, expressly exempts from the operation of the Act any society for charitable purposes which is wholly maintained by voluntary contributions; and it is further provided, that where any charity is maintained partly by voluntary subscriptions and partly by income arising from any endowment, the powers and provisions of the Act shall extend and apply to the income from endowment only. In the case of the Hartley Colliery accident the subscriptions have amounted to a sum far greater than appears to be necessary for the objects contemplated by the individual subscribers. After making a liberal provision for all those who are the objects of this charitable association there remains a considerable surplus which Mr. Gurney thinks the trustees would be justified in handing over to his association upon the ground that its objects are, as nearly as possible, coincident with those of the subscribers to the Hartley fund. It will be seen that he assumes the trustees to be vested with something like the *cy pres* jurisdiction of the Court of Chancery, by which the Court executes the charitable intentions of donors as nearly as possible where they cannot be carried out in the manner specified. But it need hardly be said that although the Court of Chancery has, the trustees certainly have not, the power or right to do any such thing. The question, then, is, what are the rights and remedies of the subscribers themselves in respect of the surplus of any fund contributed for a charitable purpose after the purpose has been fulfilled? It is evident that very often it is impossible for the subscribers to know beforehand whether they are not individually contributing larger sums than may in the aggregate be required; but having in fact done so, it seems clear enough that they retain in themselves a kind of equitable dominion over or right to the surplus which remains—to have it divided rateably amongst themselves if they desire it. Otherwise it would be easy to conceive the case where the surplus might be appropriated, although professedly upon the principle of *cy pres*, yet in a manner very repugnant to the wishes of those who had contributed it. It must also be remembered that the class of persons who were the original objects of bounty may themselves claim some right against the application of any part of the fund by the trustees for the benefit of any other class of persons. Thus, the widows and orphans at Hartley would probably contend that the trustees were bound to divide amongst them the entire fund—especially as the contributors subsequent to the date when it might be supposed that enough was received subscribed their money with full knowledge of the amount which had previously been paid for the same purpose.

We have adverted to this particular fund, not for the purpose of settling this question, but only by way of illustration. It is certainly a curious fact that in this

country, where charitable and philanthropic associations supported by voluntary contributions so greatly abound, the rights of the subscribers and of the charitable objects, as well as the duties of the trustees or custodians of the funds, should still remain a matter of so much doubt. We believe there has been no case of a bill filed by voluntary subscribers to a charitable association against its trustees for a return of so much of the plaintiffs' subscription *pro rata* as was not required for the charitable purpose. Some of our readers will, perhaps, be disposed to favour us with their views upon the topic which we have thus slightly discussed, and also upon another question of a somewhat similar character which is now exciting similar interest—namely, the rights of the public and the suitors of the Court of Chancery respectively to the "Suitors' Fund," which has now accumulated to so large a sum that the time has come when it ought to be decided what is to be done with it.

WE MENTIONED LAST WEEK that M. Chaix d'Est Ange, the Procureur-General of the Paris Court (*i.e.*, the second law officer of the Crown), had lately returned from a visit to London, where, it was said, he had been investigating the system of preventive imprisonment which exists in England. The *Temps* observes—

We mention this report without guaranteeing its truth, but we wish we were able to confirm it. We should like to think that the Procureur-General has collected in his journey the necessary materials for a reform, and that the Government will soon replace the bill it has brought forward on the penal code, which is criticised on every side, by a sound and wise enactment which should confine to its narrowest limits the sad necessity of imprisoning a man before his trial—before his guilt or innocence has been proved. It is known that a defendant is supposed to be innocent until his guilt is proved. No doubt the interests of society should be protected, but the example of England shows that in most cases the system of bail would protect them quite as efficiently as preventive imprisonment, whilst it would show much more respect for the presumed innocence of the accused. Of all the reflections which the acquittal of M. Mirès suggests, the first and the most pressing unquestionably bears on the abuses of preventive imprisonment. M. Mirès has not only been found not guilty, but declared to be wholly innocent. Yet he has spent fifteen months in prison; he has been taken from his business; he has, notwithstanding his repeated protests, been made a bankrupt. In his case, as in many others, bail would have been amply sufficient. No doubt he would have suffered in his credit, but at all events the prosecution would not have entailed needless misery upon him. We have only to add that we take this instance as we would any other, because it is the most recent and the most telling, both by the noise the case has made, and by the importance of the interests compromised by the "preventive imprisonment" of the defendant.

In political cases the hardship of keeping a man in strict confinement, whilst the *juge d'instruction* is examining whether there are sufficient grounds for a prosecution, is still more glaring. For instance, in the case of M. Ganesco, who, after spending six weeks in solitary confinement, was released, no sufficient grounds to prosecute him have been discovered. Again, M. Greppo was arrested at the end of February. Up to the 19th of April he had not been examined by the *juge d'instruction*. To give an exact idea of this enormity, one must suppose a person arrested with us, provisionally incarcerated, and spending six weeks in a gaol before he appeared before the police magistrate, who is to decide whether there is any sufficient ground for sending the case before a jury. The Minister of the Interior will not allow any discussion, even of the most moderate form, upon the flagrant violation of personal liberty and the crying iniquity of criminal procedure in France. The Emperor, however, is far from agreeing on this point with the Minister of the Interior. In his excellent essay on "Personal Liberty in England" his Majesty strongly reprobates the French practice, and contrasts it with that of England. The Emperor would do more

for liberty in France than any monarch that has preceded him were he to introduce the *habeas corpus*.

AT A RECENT MEETING of Middlesex magistrates they resolved that a petition be presented to her Majesty in Council, praying that the western division of the county may be divided into two districts as to the office of coroner. Mr. Humphreys, the coroner for the eastern division, has protested against such division, and claims the right, in the event of the death or resignation of Mr. Wakley, to be coroner for the western division, as he is elected a coroner for the county, and can act as such in either the eastern division or the western division, as he has done on many occasions. Mr. Wakley's fixed salary is £1,800 a year, Mr. Humphreys' £1,500. The proposed alteration involves a loss to Mr. Humphreys, and he has, therefore, protested against it in writing, and the matter has been referred to the Committee of Accounts and General Purposes.

A LARGE AND INFLUENTIAL MEETING of the general reception committee of the Association for the Promotion of Social Science was held in the Mansion-house on Tuesday last, the Lord Mayor in the chair. A report was presented by the finance committee stating the arrangements that have been made up to the present time. Papers on a variety of interesting subjects connected with the different departments of the Association have been promised by gentlemen intimately acquainted with the various questions which it is proposed to discuss. A series of interesting soirées will be given during the time of the meeting, and it is intended to provide for visits to places and institutions illustrative of the objects of the Association. A large attendance of distinguished foreigners is expected. A fund is now being raised for the purpose of meeting the necessary expenses, and a foreign reception and corresponding committee has been appointed.

THE MERCANTILE and general community of Bombay have offered a high tribute to the memory of Mr. William Howard, the late Advocate-General of Bombay, whose death, it may be remembered, was occasioned by a fall in the hunting-field at Chipping Norton, on the 28th of January last. By the last mail from India orders have reached Mr. Howard's executor to have prepared upwards of 300 photograph portraits of his deceased friend, which will be preserved in the homes of some of the worthiest members, native and English, of the presidency. An address has been presented to Mr. Edward Howard, the Minister of Public Instruction in Bombay, setting forth the universal regret at his brother's decease, expressive of the greatest respect and affection for the memory of the deceased.

MR. BAINES, one of the Taxing Masters of the Court of Chancery, died on Tuesday night. We have not heard who is to be his successor, but it is rumoured that Mr. Skirrow, the recently appointed Solicitor to the Admiralty, will probably be the new Taxing-Master.

THE following gentlemen were called to the bar on the 30th ult.:—Inner Temple.—John Harrison, Esq., George Follett, Esq., George Emerson, Esq., William Waldron Ravenhill, Esq., John Charles Bethune, Esq., Horace Smith, Esq., Charles Evans Newbon, Esq., Marmaduke, William Whitaker, Esq., Charles Simpson Samuell, Esq., Richard Lewis, Esq., William Robert McConnell, Esq., John Edmund Wentworth Addison, Esq., Thomas William Fletcher, Esq., and Montagu Stephen Williams, Esq.

Middle Temple.—James Cuddon, Esq., Bracebridge Hemyng, Esq., Richard Hamilton Whitfield, Esq., John Lloyd, Esq., Graves Thomas Archer, Esq., and George Callaghan, Esq.

Lincoln's Inn.—Herbert Hardy Cozens-Hardy, Esq., Charles Henry France, Esq., Edward Alfred Hadley, Esq., Frederick Tomkins, Esq., Alan Cameron Bruce,

Esq., Charles Oliver Frederick Cator, Esq., Robert Dobie Wilson, Esq., Walter Baily, Esq., Edward Campbell Browning, Esq., Francis Phipps Onslow, Esq., and Robert Wilmot Bradshaw, Esq.

MR. CAMPBELL SLEIGH, of the Common Law Bar, is actively canvassing the borough of Lambeth, and has expressed his determination to go to the poll. His cause is espoused by a great number of law clerks, resident in the borough, who are using the most strenuous efforts to ensure his return. It is stated that beyond the ordinary candidate's expenses it is intended that Mr. Sleigh should be returned free of expense.

MR. H. P. WYATT, of the Home Circuit, has been appointed Recorder of Sleaford.

MR. PHIPSON, of the Common Law Bar, has been appointed one of her Majesty's counsel.

MR. RICHARD PLEWS, of the firm of Messrs. Young & Plevs, of 29, Mark-lane, has been appointed a London Commissioner to administer oaths in Chancery.

MR. CHARLES EDWARD LEWIS (of the firm of Messrs. Harrison & Lewis), of 2, Clifton-villas, Maida-vale, and 6, Old Jewry, E.C., has been appointed a London Commissioner to administer oaths in Chancery and in the Probate Court.

MR. HENRY KIMBER, of 1, Lancaster-place, Middlesex, has been appointed, under the seal of the Supreme Court of New South Wales, a Commissioner of the said Court, to take bail and affidavits, and also to examine witnesses in all actions and proceedings in the said court at law or in equity.

#### PARLIAMENTARY VOTES FOR THE ADMINISTRATION OF JUSTICE.—THE COUNTY COURTS AND THEIR COST.

Lawyers are interested in that portion of the civil service estimates which relates to the administration of justice much more than might be supposed, judging by the indifference with which they appear to regard the subject. It is true that the large sums which have been voted during the present week for expenses connected with the tribunals of the three kingdoms are very far indeed from representing their total cost to the country. The aggregate sum is considerably swollen by vast contributions from various indirect and unseen sources, which, however, ultimately are supplied from the pockets of such of the general tax-payers as require to use the courts. Thus, while the compensations to former officers of the Courts of Probate and Bankruptcy are drawn from the consolidated fund, suitors in the Court of Chancery are called upon to contribute annually little less than £60,000 to compensate the old six clerks and other officials of that court, and also to pay the salaries of all its judges and existing officers. Upon what principle the suitors of one tribunal are thus taxed (even beyond what is necessary) to provide for its maintenance, while the cost of other tribunals is almost wholly thrown upon the general tax-payer, nobody pretends to be able to say. In fact the distinction proceeds upon no principle whatever, and the practice depends merely upon the patience and profuseness of Parliament for the time being. One great misfortune of the present system is that while the House of Commons is prodigally expending the public money in the constitution and maintenance of various courts throughout the country, there is no guarantee whatever that the money thus expended will procure what it is paid for:—that while the House of Commons is squandering the money of the general tax-payer to provide cheap and efficient justice, the tribunals instituted for this purpose will not themselves defeat the intention of Parliament by increasing the taxation of suitors in the

shape of court fees. Thus, on the one hand, the Law has all the odium of drawing largely on the public purse, and on the other of taxing heavily the private litigant; and this unhappy state of things is owing solely to the wasteful and costly manner in which our legal tribunals are constituted and maintained. In the long list of items which were voted by the House of Commons on Monday night last we should have no difficulty in finding abundant illustration of this remark. But for the present we confine ourselves to the County Courts.

Among the various items which were included in the votes of Monday evening was the sum of £165,000 for county courts. We are not aware what are the particular items included in this vote, as the entire amount which these courts cost the tax-payer considerably exceeds a quarter of a million a year—not to speak of the large sums contributed by the unhappy suitors of these tribunals, which, in the aggregate, are scarcely less than the sum of the various moneys voted by Parliament for these same courts. The item to which we refer, if we may judge from the estimates of former years, includes only the salaries of the judges and treasurers, their travelling expenses, and allowances for clerks. The salaries of registrars and other officers are paid out of court fees, and amount to nearly £300,000! There is a separate vote of the House of Commons for the court houses, stationery, &c., which in 1860 was not less than £85,000. Upon the whole, putting together what comes out of the pocket of the tax-payer and the fees paid by litigants, the entire cost of these tribunals is considerably over half-a-million a year, or about 60 per cent. on the entire amount of money recovered by proceedings in these courts. For every pound which is recovered by the tally-man or small usurer in the county court the English tax-payer and the unsuccessful litigant pays each more than five shillings, while our gaols are filled with thousands of unfortunate debtors who are unable to yield the required "pound of flesh." A Parliamentary return shows that of the 11,500 persons who have been sent to prison in one year by county court judges, 8,361 were committed for non-appearance, and we have no means of estimating the cost, to say nothing of the cruel injustice certain to be involved in such an unfortunate state of things. Is it not time, therefore, to pause and take some account of what the country receives in return for so vast an expenditure and such wide extended suffering? Have not lawyers a common, and even a deeper, interest than any other class of the community in seeing how the public money, contributed towards the administration of justice, is expended? If Parliament is willing to contribute a quarter of a million sterling a-year for facilitating the recovery of small debts, is it possible that English law can not be administered for this purpose, without further cost of as much more imposed upon the petty suitors? Has the State so great an interest in encouraging amongst the working classes a system of small credits, and in collecting the debts of Jewish loan societies, hawkers, and packmen, and that in these times of financial difficulty it can afford to contribute for such an object more than £250,000 a-year? The county courts were the offspring of a very natural popular outcry, and of a blind passion for innovation; but after fifteen years' experience of their working they have proved themselves to be the greatest curse and imposture ever connected with the administration of justice in this country; and the time will soon come when they must yield to a general indignation as great as that which called them into existence. No class of English tribunals is so costly, either to the State or to suitors, so ill-conducted, or so unsatisfactory, as are these county courts. The majority of their judges are men who were never known at the Bar, who were not only without professional reputation, but were destitute of experience, and whose appointment was entirely due to official favour. Many of them are so notoriously incompetent for the discharge of judicial



duties, and so entirely unacquainted with the first principles of law, that their decisions supply the staple jokes of the articulated clerks, and even the chawbacons, of their neighbourhood. Thus these wretched tribunals not only foster a spirit of litigation among the poorer sort of people, but propagate, to a large extent, erroneous notions of the law which every one is held accountable for knowing correctly. A still greater evil has arisen since parties have been allowed to be witnesses in their own cause. This new rule of evidence has sown a wide crop of oaths, and in the county courts reaped a very plentiful crop of perjuries, among the common people. Many of their cases are such as to admit of no other evidence than that of plaintiff and defendant, or the amount involved is so trifling as to deter the parties from summoning witnesses. The consequence is, generally, that the practised or the more unscrupulous party wins the day. Any by-stander (especially if he be a lawyer) can hardly form any opinion of what the decision is likely to be, except he is acquainted with the idiosyncrasy of the judge, who, as a general rule, takes no notes, and decides the case according to his off-hand impression. We have heard of cases where judges more than usually incompetent—confounding the evidence of the parties, and confusing their names under the protest of the injured party—gave right decisions in favour of wrong parties; and most people could adduce similar illustrations of what takes place in these courts. How can it be otherwise while so many of the men appointed to the office are so utterly incompetent to discharge judicial functions, or in any way to assume the province of lawyers, and are, moreover, free from such control as is implied in the presence of a body of intelligent practitioners, or of the public press? The vagaries of these officials are for the most part known only to the poor people who frequent their courts. If a superior judge at Westminster or Lincoln's Inn were in the habit of taking his seat nearly an hour late every day the matter would soon be set right by the action of the public journals, but county court judges do so with impunity. Their doings are considered to be below the notice of important newspapers, and what others say has little effect. As a matter of fact, it is well known that many county court judges, and some even in the metropolis, are habitually so much behind time in taking their seats, as to inflict by their tardiness grievous wrong upon their unhappy suitors. We have already had occasion to call the attention of the profession to this topic.\*

We have thus adverted to the evils connected with the administration of justice in the county courts, not only because they deserve for their own sakes to be brought frequently under public notice, but because these tribunals themselves afford the most striking illustration of the importance to lawyers as well as the public of keeping an eye upon the votes of Parliament connected with the administration of justice in this country. No class of persons is more interested than lawyers are in seeing that the money so bestowed by the State is judiciously employed for the relief of litigants. We assert, without hesitation, that the House of Commons votes annually a sum in the aggregate sufficient to relieve every suitor throughout the kingdom almost entirely from the various scales of onerous fees now imposed by English tribunals. If there be any ground for this assertion, what shall we say of the recent Order,† which increases still further the taxation of county court suitors, as if sixty per cent. were not enough to charge for such justice as is ordinarily dispensed to these unfortunate wights. Since the 10th of last month—when this Order came into operation—some of the fees payable under the County Court Amendment Act of 1856 have been increased. Thus, instead of tenpence in the pound, the sum fixed by that Act as pay-

able upon every plaint is increased to one shilling; while a new fee of one shilling is imposed upon every plaintiff whose claim exceeds forty shillings. In addition to the threepence in the pound payable on the issue of a judgment summons a further fixed fee is now payable according to the amount recovered; and a sly provision is introduced by which all fractions of a pound are to be treated as an entire pound for the purposes of calculating poundage. The consequence of this new Order will be to add a heavy burden to the already overburdened suitors of these Courts. In 1860 the total number of plaints entered was 782,384, averaging £2 8s. 1d., which, according to the new mode of calculation, may be taken at £3; so that under the 1st rule alone of the new General Order the taxation of these suitors will be increased to the extent of about £20,000—taking the figures already given as the basis of our estimate. What the entire increase may probably be any one may judge for himself by applying the items of the new rule to the figures which he will find in Mr. Redgrave's Judicial Statistics. Probably not ten members of the House of Commons were aware on Monday night, when they were voting £165,000 for the salaries and expenses of county court officials, that at the same time the suitors were being mulcted by additional taxation.

#### ANOMALIES OF THE LAW OF MARITIME WARFARE.

The law of nations is made up of certain juristic doctrines or propositions, some of which are reasonable and just; some, we must say, are absurd and noxious; while others, not a few, are but the veriest truisms or platitudes. The most recent English treatise on this science extends to nearly 3,000 pages. We allude to Dr. Phillimore's four volumes, in which there is undoubtedly a great deal of valuable matter, useful for reference, though it is, to a large extent, ill digested and hastily put together. A considerable portion of it is obsolete; and much has been expressly superseded by the Paris Declaration. The chief sins of the book—we say so with the greatest respect for the learned author—are its useless parade of learning and its wearisome quotations, which perplex the reader, and leave him often at a loss to separate the husk from the kernel.

Now we cannot help thinking that the law of nations admits of being compendiously discussed. Its truly valuable principles are remarkable for their simplicity and directness. They are almost all self-evident. The mind at once assents to them; for they have their foundation in nature, reason, justice, and humanity. By omitting a vast number of arbitrary maxims, originating in barbarous ages, and by disregarding many subtle and artificial refinements, the creation of Dutch and German jurists, we believe a treatise might be prepared which would convey all necessary instruction to the general reader, and satisfy even the rational curiosity of the learned. That the really useful parts of this science may be discussed within a moderate compass has been pretty well shown by the little work of Mr. Macqueen, which we noticed last week. The author does not profess to treat of international law at large; he gives only the "chief points of war and neutrality, search and blockade." But on some topics he is fuller than any former writer, partly, no doubt, because certain recent cases have thrown new light on his subject.

Nowhere, for example, are the "rules of war on land" so distinctly put as in this small treatise. The principles laid down are vindicated by numerous examples, which stand on the doctrine of the illustrious Montesquieu, that "nations should during peace do each other the greatest good, and during war, the least ill possible, without injuring their own several interests respectively." It would seem that the modern "rules of war on land" are unassailable and unchange-

\* 4 Sol. J., 925.

† See ante, 462.



able, for they rest, not on the decisions of judges, or on the opinions of jurists, but on the eternal principles of justice and morality, softened and refined by Christianity. Mr. Macqueen tells us that

In ancient times an invading army, to inspire terror, sought the earliest opportunity of displaying its severity. The slaughter of those who held out was vindicated on the ground that destroying one garrison without mercy might prevent others from resisting, and so save the effusion of blood. To this sophistry Lord Brougham tells us the answer is obvious; for that by the same reasoning, war might be proved innocent in proportion to its cruelty. Our illustrious Duke of Wellington punished all predatory aggressions committed by his troops. He made them pay their way. The protection of the inhabitants from wanton injury he considered a high duty; and, for eminent reasons, the best policy. The French more than once felt the effects of an opposite line of conduct.

But the most remarkable example of benignity is that furnished by the following paragraph:—

When Count Diebitz with his Russian army entered Roumelia in 1829, he gave a shining example of military clemency. He assured the Mussulmans that they should be safe in their persons and property, and that he would not disturb the exercise of their religion or the course of their civil administration; but he required them to deliver up their arms as a deposit, to be restored on the return of peace.

In his second section, Mr. Macqueen defines the duties of belligerents in their own country, and among other illustrations, gives the following curious case, which shows that the "rules of war on land" were well settled more than a century ago.

On the 30th of August, 1759, the Austrian forces, having finally established their batteries around Breslau, sent a message to Count Tavenzien, who commanded the town, reminding him that as it was a mercantile place, not a fortress, he could not defend it without contravening the laws of war. The Count, as a military juriconsult, admitted the law, but denied the fact, affirming that "Breslau, being surrounded by military works and wet ditches, was a place of strength, and not merely a mercantile town." He therefore called upon the Austrians to do their worst.

Nothing is more striking than the improved notions adopted in modern times with reference to prisoners of war. We quote the following passage:—

The old rule was that prisoners of war became the slaves of the victor, who had the power of life and death. At Rome the more distinguished were reserved for the triumph, and butchered afterwards. Contrary cases are mentioned as wonders. In the days of chivalry the hope of ransom alone caused quarter to be given. The vanquished Sultan Bajazet was carried about in a cage. Bynkershoek, the great jurist, writing not far from our own time, defends the hanging of prisoners. But in modern warfare between Christian nations mercy is shown, and everything done to soften the mishap of a brave enemy. This appeared on both sides in the Crimean contest. At the battle of Solferino the Emperor of the French gave orders that the wounded Austrians should be treated precisely as if they were his own soldiers.

The uninitiated reader will be surprised to learn that the rules of war at sea are altogether different from the rules of war on land. Thus the destruction of private property, which is prohibited on land, is perfectly allowable, and, strange to say, is prescribed as a duty at sea. A bale of goods is safe whilst in the merchant's stores on land, but is considered legitimate booty when found at sea. The reasons given in the law books for the distinction are various, but not one of them is satisfactory. Mr. Macqueen asks—

On what principle of justice is the property of peaceful merchants liable to capture at sea, while the very same property, belonging to the very same individuals, if found on land, would be treated with forbearance?

The author next proceeds to the consideration of the rights of neutrals. He tells us that during war neutrals may trade with both belligerents, but restrictedly; and then he questions the justice of the restriction as to articles contraband of war, which, it is held, cannot

be sent to either belligerent without a breach of neutrality.

But is it not a fair question for consideration whether an act performed in the ordinary legitimate course of commerce can reasonably be deemed a breach of neutrality? The merchant pursues his lawful occupation. Regardless of the war, he looks only to his own profits. The belligerents, in his eyes, are customers, and he hopes they are solvent. He deals indifferently with A. or with B., or with both, in the systematic prosecution of his honourable calling. If one belligerent derives more benefit from commerce than another, it is because his resources are greater, and not because neutrality has been violated. His superiority in this respect is a source of strength, and an element of success, which the other belligerent ought to have considered before entering on the contest.

Mr. Macqueen denies that the law of nations has anything to do with Roman jurisprudence. In this opinion he is supported by M. Hautefeuille; and it would rather appear that the Romans had no proper international law, although they had rules as to treaties and ambassadors.

It seems certain that the laws which relate to maritime capture must, ere long, be the subject of examination. With a view to this, we would direct attention to Mr. Macqueen's account of the prize jurisdiction, and the sketch which he gives of Lord Stowell's judicial character and decisions.

The changes of 1856, and those now proposed, finish the work, which, however, has a useful postscript, showing the present state of sentiment in the House of Commons as to securing an immunity for all private property at sea during hostilities. This is, in fact, an abridgment of the late debate in the House of Commons, which took place seasonably at the very time when Mr. Macqueen's "Chief Points" had been brought to a close.

## The Courts.

### COURT OF CHANCERY.

(Before the LORD CHANCELLOR.)

April 26.—*In re*—.An application was made by a suitor in person that a petition of rehearing might be received without the signature of counsel, the principal ground being that the suitor had argued his own case in the court below, and wished to do so on the rehearing. He did not sue *in formâ pauperis*.

The LORD CHANCELLOR said that in support of the application it had been stated that there was no distinct order of the Court requiring the signature of two counsel to a petition of rehearing. It had, however, been the uniform rule of the Court that a rehearing should not be granted except on the faith of the signature and certificate of counsel. A rehearing was a proceeding of a peculiar kind. It was not a simple hearing, which was the right of every suitor, but if a party felt aggrieved by a decree, by the practice of the Court he was allowed the privilege of rehearing on certain conditions. In such a case new evidence might be adduced, and it was a peculiar and extraordinary privilege, and contrary to the general rule, that a party should not be vexed by a second suit in the same matter, and it was guarded by certain protections, one of which was the signature of counsel, which certified that there was some miscarriage which it was desirable to correct on a rehearing. It was not correct to say that there was no Order on the subject, for though there was not a printed or published Order, yet in the registrar's book, which was preserved in the office, there appeared an order of Lord Keeper Finch, afterwards Lord Chancellor Nottingham, made at some time between 1675 and 1680, to this effect:—"That no rehearing shall be granted, unless the petition was signed by two counsellors, one of whom at least was at the former hearing; nor can any cause be reheard till he who prays for a rehearing has paid the other side his full costs; and counsel will take care not to sign any petition for rehearing for the sake of his client or of his fee, but for justice sake only, as they desire to hold their credit with the Court." This was a settlement if it was not an introduc-

tion of the practice which now prevailed. It was desirable that the practice should still be guarded by those conditions by which it had always been surrounded. There had, however, been a departure from the strict rule by high authority, for he found that in 1860 the full Court, consisting of Lord Chancellor Campbell and the Lords Justices, had, in a case of *Knowles v. Greenhill*, 30 L. J. Ch. 670, allowed a certificate of rehearing to be signed by one counsel only, on the ground that the property involved was of small amount and that the case had been argued by one counsel only. Whether it was proper to found a principle on the ground of the amount of property involved in a suit, he was not prepared to say; but it was the fact that the ordinary rule of the Court had been departed from to that extent. He (the Lord Chancellor) could, however, find no rule or principle to induce him—in a case like this, where the applicant did not appear in *forma pauperis*—to dispense further with the wholesome conditions attached by the practice of the Court to the extraordinary benefit conferred by a rehearing. All he could say was, that if the petition was signed by one counsel, he would receive it. Any alteration in the established rules of the Court ought not to rest on the decision of any one judge; but should be made the subject of a General Order after consideration by all the judges. He should take steps to have the point in review so considered, and thus have it determined whether or not any change ought to be made in the established rule governing the reception of petitions of rehearing.

#### COURT OF QUEEN'S BENCH

(Sittings in Banco, before Lord Chief Justice COCKBURN and Justices CROMPTON, BLACKBURN, and MELLOR.)

*April 30.—The Queen v. Hayward.*—This case came before the Court upon a demurrer to a replication to a plea to an information in the nature of a *quo warranto*. The writ called upon the defendant, William Webb Hayward, to show by what authority he exercised the office of clerk of the peace for the city of Rochester. The defendant pleaded that he had been appointed to the said office by the mayor, aldermen, and councillors of the borough, and held his office during good behaviour. The relator replied that the defendant had been so appointed, but that he had grossly misconducted himself by appropriating certain trust moneys to his own use, for which misconduct the council for the said city had removed him from his said office, and appointed one Humphrey Wickham in his place. To this replication the defendant demurred, and this raised the question whether the council had authority to remove the clerk of the peace.

*Mr. Mellish, Q.C.* (with whom was Mr. Macnamara), on the part of the defendant, contended that the power to dismiss the clerk of the peace for a borough was vested in the recorder, and the town council had no jurisdiction in the matter. The 103rd section of the Municipal Corporations Amendment Act (5 & 6 Will. 4 c. 76) enacted that on the petition of any town council it should be lawful for her Majesty to grant a separate court of quarter session for such borough, and to appoint a barrister of not less than five years' standing to be recorder; and it then enacted that the council of every such borough shall appoint a fit person to be clerk of the peace during his good behaviour. By the 105th section it was further enacted that "such court of quarter sessions of the peace shall be a court of record, and shall have cognizance of all crimes, offences, and matters whatsoever cognizable by any court of quarter sessions of the peace for counties in England." Under this section the learned counsel contended the recorder had power to remove the clerk of the peace, a power which was clearly vested in the justices of quarter sessions by 1 W. & M. c. 21. The recorder, as a judge, had power to summon witnesses, to examine upon oath, and to call for documents, which the town council had not; and, therefore, it was more reasonable that a function like that of removing the clerk of the peace should be exercised by the recorder, and not by a popular assembly such as the town council.

*Mr. Lush, Q.C.* (with whom was Mr. Prentice), contended that the recorder had no power to remove the clerk of the peace, but that that power remained in the town council. The council appointed the clerk of the peace, and they only had power to remove him, for the only patronage of which they were deprived by the Municipal Corporations Act was the appointment of recorder. The Quarter Sessions had not the exclusive power of removing the clerk of the peace for the county, but only a concurrent jurisdiction with the *custos rotulorum*, who appointed him.

Lord Chief Justice COCKBURN said he was of opinion the

defendant was entitled to the judgment of the Court. The town council had taken upon themselves the power of removing the defendant from his office, when, in point of law, that power was not vested in them. Clerks of the peace were appointed in boroughs having separate Courts of Quarter Sessions, under the Municipal Corporations Act, which in fact created the office; and the same statute provided that all the judicial functions exercised by the Quarter Sessions in counties should be exercised by the recorders in boroughs, with certain exceptions which were pointed out. The clerk of the peace held his office during good behaviour, and the question arose whether his misbehaviour was cognizable by the recorder; and that depended entirely upon whether such misbehaviour in the clerk of the peace for the county was cognizable by the Quarter Sessions. The statute, 1 W. & M. c. 21, said it was, and his Lordship could not agree with Mr. Lush that the *custos rotulorum* had a concurrent jurisdiction. By the 105th section of the Municipal Corporations Act, the recorder was to have cognizance of all matters whatsoever cognizable by any Court of Quarter Sessions, and therefore the recorder in a borough would have jurisdiction to remove the clerk of the peace in a borough. Nothing could be more unreasonable and inconvenient than that such a function, instead of being cognizable by those who exercised judicial functions, should be submitted to the fluctuating and uncertain decision of a popular assembly, which a town council necessarily and properly was. As the recorder was to have cognizance of all matters cognizable by the Court of Quarter Sessions for counties, and this was a matter within their cognizance, it followed that the same function was vested in the recorder, and therefore the judgment of the Court must be given for the defendant.

Mr. Justice CROMPTON, Mr. Justice BLACKBURN, and Mr. Justice MELLOR gave judgment to the same effect.

Judgment for the defendant.

#### COURT OF EXCHEQUER.

(Sittings in Banco, in Easter Term, before the LORD CHIEF BARON, and BARONS MARTIN and WILDE.)

*April 24.—Mayall v. Higby.*—Copyright in photographs.—Mr. M. Smith said this action was brought by Mr. Mayall, the photographic artist in Regent-street, against the defendant, who also pursued a similar calling. Mr. Mayall entrusted to Mr. Tallis, the publisher of the *Illustrated News of the World*, a considerable number of photographic portraits of eminent men with a view to their being engraved and issued in connection with that journal. Mr. Tallis became bankrupt in April last year, and these photographs were sold by the authority of his assignees at 5s. each, to the defendant, who took copies of them in a reduced size, and sold them to the public. Mr. Mayall then brought his action. The first count of the declaration stated the defendant wrongfully and unlawfully kept possession of the plaintiff's goods while they continued to be the property of the plaintiff, and raised the question whether there was any copyright in photographs. The second count was for the detention of the goods. Upon the first the jury found a verdict, with 1s. damages, for the plaintiff; and on the second also a verdict for the plaintiff, with £20 damages. By leave of the learned judge the learned counsel now moved to enter a verdict for the defendant on the first count.

The LORD CHIEF BARON.—The question is whether, by the law as it now stands, the maker of a photograph has any authorship or property in it which prevents another publishing it.

Mr. M. Smith.—It is admitted that he has no such right, because the Solicitor-General has recently brought in a bill to parliament giving a copyright in photographs and other works of art.

The LORD CHIEF BARON.—It does not follow that because a bill has been introduced in Parliament enabling persons to enforce their rights in a more convenient and speedy manner they do not possess a copyright at present.

Mr. M. Smith.—I do not trace anywhere any such copyright, even in an original picture.

Mr. Baron MARTIN.—Do you mean to say that if a man robs me of a picture he is at liberty to make any number of copies of it and sell them?

Mr. M. Smith.—I think I am justified in saying that there is no copyright in a picture.

The LORD CHIEF BARON.—Where is your authority?

Mr. M. Smith.—My authority is found in the general opinion of mankind, and there is no authority the other way. There are Acts of Parliament which give a property in engravings taken from a picture, but none which give a property in the picture itself.

The LORD CHIEF BARON.—In the opinion of all mankind, has an author any copyright in his works quite independently of all Acts of Parliament?

Mr. M. Smith was not prepared to say.

The LORD CHIEF BARON.—It is perfectly well known that before the first Act of Parliament on the subject was passed the opinion of all the judges was taken, and the majority were clearly of opinion that an author had a copyright in his works. Some thought that he had a copyright for ever. If a man has a copyright in his writings, the produce of his brain, surely the painter of a piece of beautiful scenery, or of any other picture, has an ownership in it. No man has a right to maintain himself on other people's labour. The point is, however, an important one, and I think you are entitled to a rule.

Rule nisi granted.

#### COURT OF BANKRUPTCY.

(Before the LORDS JUSTICES OF APPEAL.)

April 26.—*Ex parte Cadwallader, Re James*.—This was an appeal from the decision of Mr. Commissioner Hill holding that the appellant was not entitled to vote at the choice of assignees. The bankrupt was the executor of the will of the appellant's husband, and a trustee of his residuary estate for the appellant for life, with remainder to her children. She had presented a petition to the Court of Bankruptcy at Bristol, seeking leave to go in and prove for £3,800, as admitted by the bankrupt in his balance sheet to be due to the testator's estate.

Mr. Bagley, in support of the appeal, said that the Commissioner had proceeded on the authority of *Ex parte Shaw* (1, Glyn, & J.) before Lord Eldon, but that case was distinguishable from this case, especially having regard to the altered state of the law.

Mr. De Gez, for a creditor who had proved, contended that the decision was right, and in accordance with the authorities referred to and the universal practice of the Court, which would have to be changed before a person who only proved under an order of the Court could be admitted to vote at the choice of assignees. Moreover the appellant's own petition for liberty to prove and the order upon it showed that the proof was merely admitted in respect of the amount due, and not as establishing the title of the person making the proof.

Lord Justice KNIGHT BRUCE said that the appellant had a sufficient beneficial interest in the sum proved to be admitted to vote at the choice.

Lord Justice TURNER concurred; and it was ordered that the appellant should be permitted to vote, and that the costs of all parties should be paid out of the estate.

(Before Mr. Commissioner HOLROYD.)

April 25.—*In re* —.—Two important questions arose in reference to composition deeds executed by debtors. The first question was whether a debtor who had executed a deed of composition under the 192nd section of the Bankruptcy Act of 1861 was bound to furnish to a dissenting creditor particulars of the names and addresses of his creditors, and the amounts of their debts; and secondly, whether a composition deed was in fact included in the 192nd section. It appeared that the debtor executed a composition deed providing for the payment of 5s. in the pound; but, notwithstanding, an adjudication was obtained at the instance of a dissenting creditor.

Mr. Laverance appeared for the debtor, and Mr. Sargood for the creditor.

The COMMISSIONER said that before dismissing the petition the debtor must furnish a full statement of his creditors, in order that it might be seen that the requisite majority had assented. With reference to the other point, it had been constantly the practice in that court to register composition deeds, and he (the Commissioner) would not go the length of saying that such deeds were without the 192nd section.

The case was adjourned for further evidence.

#### COURT OF COMMON COUNCIL.

At a meeting of the Court of Common Council, held on the 30th ult., a report from the Officers and Clerks Committee was brought up by Mr. S. H. Waterlow, their chairman, upon the duties and emoluments of the several officers of the Sheriff's Court, with a scheme for the future conduct of the business of the Court. They recommended, among other things, that the present chief clerk, not being liable by the terms of his ap-

pointment to certain restrictions proposed in reference to any person hereafter appointed to that office, there should be no increase in his present salary of £500; but that the salary of any person, other than the present chief clerk, hereafter appointed to the office, should commence at £400, and be raised at the rate of £50 per annum until it reaches £600, subject to certain conditions. They recommended that the salary of the present entering clerk, to be hereafter designated clerk of the judgments (£210) be £220, and be raised at the rate of £10 annually until it reaches £250; that the salary of the present process clerk (£175) be £200; that the salary of the present clerk accountant (£200) be £210, rising annually in this and the preceding case at the rate of £10 until it reaches £230; and that the salaries of the cash and ledger clerks remain as at present—viz., £150 and £130. Mr. Waterlow proposed the adoption of the report. An amendment was moved by Deputy Fry for referring it back to the committee for reconsideration, on grounds which he stated in some detail. The subject gave rise to a lengthened debate, but on a show of hands the amendment was negatived, and the motion for adopting the report was carried, on a division, by 53 against 27.

#### Parliament and Legislation.

##### HOUSE OF COMMONS.

Monday, April 28.

##### CIVIL SERVICE ESTIMATES.

In committee of supply the following votes were agreed to:—  
£17,743 for the Charity Commissioners of England and Wales.

£2,268 for the Landed Estates Record Offices in London and Dublin.

£30,510 for law charges.

£167,678 for prosecutions at assizes and sessions.

£228,475 for police expenses in counties and boroughs in England and Wales.

£3,098 for Crown Office, Queen's Bench.

£11,540 for the High Court of Admiralty Registry.

£165,000 for salaries and expenses of the county courts.

£21,430 for the police courts of the metropolis.

£18,092 for remuneration to the revising barristers.

£24,237 compensation under the Bankruptcy Act.

£3,242 the expenses of the office of the Lord Advocate of Scotland.

£18,200 expenses of the Court of Session in Scotland.

£11,076 expenses of the Courts Judiciary in Scotland.

£5,000 expenses of criminal prosecutions in Scotland under the authority of the Lord Advocate.

£38,131 Sheriff Courts, &c., Scotland.

£23,475 expenses of the office of the Procurator Fiscal, Scotland.

£15,941 expenses of the General Registry House in Edinburgh.

£1,290 the Court of Bankruptcy, Scotland.

£61,134 criminal law charges in Ireland.

£5,535 the salaries and expenses of certain officers of the Court of Chancery, Ireland.

£19,052 the Queen's Bench, Common Pleas, and Exchequer, Ireland.

£2,000 compensation to officers of Manor Courts, Ireland.

£6,892 Courts of Bankruptcy and Insolvency, Ireland.

£10,330 Court of Probate, Ireland.

Wednesday, April 30.

##### THE CHARITABLE USES ACT (1861) AMENDMENT BILL.

This bill was read a third time and passed.

##### LAW OF PATENTS.

LORD J. MANNERS, on behalf of Sir Hugh Cairns, gave notice that on Tuesday, the 27th of May, he would move for an address to her Majesty, praying for an inquiry into the working of the law relating to the matter of patents for inventions.

##### INNS OF COURT GOVERNMENT BILL.

Upon the motion of Mr. Roebuck, the second reading of this bill was fixed for Tuesday next.



## Recent Decisions.

## HOUSE OF LORDS.

## ADMINISTRATION OF FOREIGNER'S ENGLISH ESTATE.

*Enokin v. Wylie, H. of L., 10 W. R. 467.*

It was only after resort was had in this case to the Court of ultimate appeal, the discovery was made that the appellants who had all through been unsuccessful, might have stopped the suit in the beginning, upon the simple ground of the want of jurisdiction in the Court of Chancery or any other tribunal in this country. The suit was instituted for the administration of the estate of a person who admittedly had been all his life, and was at the time of his death domiciled in Russia; and the question raised was, whether a sum of over £60,000 standing in the testator's name in the English Funds, and belonging to him, passed by his will? The elaborate judgment of the House of Lords, delivered by the Lord Chancellor, shows that throughout the entire suit, and the proceedings for proving the will in the Court of Probate, there had been entire misconception as to the jurisdiction of the Courts of this country to interfere in the administration of the estate of a foreign testator. The Court of Probate, although informed that the testator was domiciled in Russia, and that his will had been duly authenticated by the executors in the proper court of that country, undertook to put a construction upon it, and having decided that it included the English funded property of the testator, on that ground decreed probate of the will to be granted to the executors. A bill was therefore filed against them in the Court of Chancery, praying (besides general administration) a declaration that the testator had died intestate as to all his property not within the Empire of Russia. This declaration was made by Vice-Chancellor Wood, affirmed both by the Lords Justices and by the House of Lords; but when delivering the judgment of the House, the Lord Chancellor took occasion to state the clear and unquestionable rule of law relating to the administration of the personal estate of persons who are at the time of their decease domiciled abroad. The rule of English law upon this point is so well settled, that the executors would have been perfectly safe if they had demurred to the plaintiff's bill on the ground of want of jurisdiction in the Court. The Court of the country of the testator's domicile alone has jurisdiction to administer his personal estate, wherever situate. "All questions of testacy or intestacy," said Lord Westbury, "belong to the judge of the domicile. It is the right and duty of that judge to constitute the personal representative of the deceased. To the court of the domicile belongs the interpretation and construction of the will of the testator. To determine who are the next of kin or heirs of the personal estate of the testator is the prerogative of the judge of the domicile. In short, the Court of the domicile is the *forum concursus*, to which the legatees under the will of a testator, or the parties entitled to the distribution of the estate of an intestate, are required to resort. In such a case as the present, the foreign executors should obtain from the Court of Probate only 'ancillary' probate, so as to enable them to get possession of property locally situate in England; and neither the Court of Probate nor the Court of Chancery has any jurisdiction to construe the will of a foreigner, or to administer his personality in this country." Such, at least, is the statement of the law made by the Lord Chancellor in this judgment, and concurred in by Lords Cranworth and Chelmsford.

The practice of the Court of Probate in granting probate or letters of administration in respect of the English estate of persons dying with a foreign domicile is so obscurely stated in works relating to the procedure of that court, that it is very desirable to direct the especial attention of practitioners to the judgment in the above-named case, which certainly affords a remarkable illustration of the importance of a more general acquaintance with the law of domicile than at present exists amongst English lawyers. In this case the executors were clearly entitled to the aid of the Court of Probate in obtaining possession of the money in the English funds belonging to their testator; and they were not liable to any suit before any tribunal in this country in respect of this or any other property of their testator; but having once submitted to the jurisdiction of our tribunals, of course they were bound by their decision. Before the Vice-Chancellor and the Lords Justices it appears to have been assumed without hesitation that the Court of Chancery had jurisdiction—independently of the executors' assent; but that the Court was bound to decide according to the law of Russia, which had of course to be proved as a matter of evidence. The inconveniences arising from such a procedure

are thus observed upon by the Lord Chancellor,—"Now, the utmost confusion must arise if, where a testator dies domiciled in one country, the Courts of every other country in which he has personal property should assume the right, first of declaring who is the personal representative, and next of interpreting the will, and distributing the personal estate situate within its jurisdiction. According to that interpretation an Englishman dying domiciled in London may have personal property in France, Spain, New York, Belgium, and Russia, and if the course pursued by the Court of Probate and the Court of Chancery in the present case were followed by the courts of those several countries, there might be as many different personal representatives of the deceased, and as many varying interpretations of his will, as there are countries in which he is possessed of personal property. It is unnecessary to dwell on the evils which would result from this conflict of jurisdiction. It was to prevent them that the law of domicile was introduced and adopted by civilised nations."

## EQUITY.

## MARRIAGE SETTLEMENT—RECTIFICATION OF MISTAKE—ADVANCE BY FATHER—RECOUPING.

*The Earl of Bradford v. The Earl of Romney, M. R., 10 W. R. 414.*

The daughter of A. was, upon her marriage, entitled to a portion out of certain trust funds. By the settlement made on her marriage, after reciting that she was entitled to the sum of £10,000 in possession, the same sum was vested in trustees and settled on herself, her husband, and the children of the marriage. The settlement also contained a covenant to settle all her after-acquired property. The £10,000 mentioned in the settlement, and settled, was, in fact, advanced by A. out of his own moneys. After A.'s death, and when the daughter's portion out of the contingent fund became payable, a bill was filed by the representatives of A. to have it declared that his estate was entitled to be recouped the £10,000 advanced by him on his daughter's marriage to the extent of the portion. It was held by the Master of the Rolls that, treating the question as one arising upon the construction of the settlement, as evidence of the parties was inadmissible, there was nothing to show that the £10,000 paid by A. was an acceleration of the £10,000 to which the daughter was contingently entitled. This case shows the great importance of leaving nothing in an instrument to inference. There is little doubt that A. intended the fortune to be an acceleration of the daughter's contingent sum of £10,000. Evidence, however, was adduced on the part of the husband to show that, at the time of the marriage, he was ignorant whence the £10,000 were derived, or that A. was under the impression that he was to be reimbursed upon the vesting of the then contingent £10,000. It is a well-settled rule of equity that a mistake, to afford ground for rectification, must not be merely unilateral. It must be a mistake common to both parties. A different rule would hold out a bounty upon negligence and forgetfulness. If A. and B. enter into a contract, and A. forgets to speak at the time of the contract of a particular stipulation which he intended to have inserted in the agreement, he is remediless. For it would be contrary to all sense and justice to bind B. with a stipulation for which he had not bargained. But if A. and B. had both expressly agreed upon a particular stipulation, which, by the fraud, accident, or mistake of either, or of the transcriber, was not reduced to writing, such a circumstance would afford a clear ground of equity. In the present case, however, the mistake was wholly on A.'s side, and, accordingly, he alone should be the loser.

Where a settlement is sought to be rectified on the ground of mistake, the precise extent of the error to be remedied must be clearly shown. This rule of equity also furnished another bar to the plaintiff's claim in the present case. The daughter of A. was, at the time of her marriage, entitled only to a fifth share of the sum of £31,166 13s. 4d. If other children of A. died, the said daughter's share might amount to a third or a half of this sum. It was impossible, therefore, for this reason, to ascertain to what extent A. intended that he should be recouped, even if he had such a general intention.

The phrase "after-acquired property" was considered in the above case so be aptly defined, as is usually done, as property not vested in possession. There was a covenant to settle after-acquired property in the settlement, and this carried the contingent share mentioned. The rule against double legacies and portions is, as our readers are aware, very strong. But there were too many circumstances adverse to the applica-

tion of the common rule, in the present case, to admit of its being governed by it.

#### INSOLVENCY—SOLICITOR—ASSIGNMENT OF COSTS.

*Lord v. Colvin*, V. C. K., 10 W. R. 420.

This case we believe to be the one which, in the debates on the Domicil Bills last year, was cited as exemplifying the expense which questions of domicil usually involved. The present case has no direct relation to the law of domicil. The point discussed in it was the right of a solicitor to assign costs prior to the order for their taxation and payment, and whether such assignment defeated the claim of his assignee in insolvency. In *Thompson v. Tomkins*, 10 W. R. 310, and numerous other cases, it has been decided that where there is a fund in court, it is essential for a person taking an assignment thereof to obtain a stop order upon it. The assignee of costs must do everything to prevent the assignor appearing to be such owner: *Dearle v. Hall*, 3 Russ. 12. A stop order is equivalent to notice to a trustee upon an assignment by a *cestui que trust*. In the present case notice was given by the assignee to all the parties in the cause. Vice-Chancellor Kindersley, indeed, was of opinion that notice was of little avail; the fact of the assignor being a solicitor in the cause not *per se* giving him a charge on any particular fund in court, but only a lien on the papers, and whatever might in the result of the suit be recovered. His Honour, however, considered that a stop order could not have been obtained, as there was no fund in court available by the assignor, but only a possibility, and that notice to all the parties to the suit was equivalent under the circumstances to a stop order. He, therefore, held that the costs were not in the order and disposition of the insolvent at the date of the vesting order, it being subsequent to the assignment. This judgment, we think, to be founded upon true principles of commercial and juristical policy. Nothing could be more narrow than the technical rule of the common law that a *chose in action*, a possibility, anything in any considerable degree short of a vested interest—could not be assigned. No doubt notice or a stop order, in the cases where they are respectively applicable, is necessary to perfect the assignment. But these requirements are prescribed by the law in order to prevent fraud, and not because a non-vested interest is or ought to be incapable of being assigned.

#### REAL PROPERTY AND CONVEYANCING.

##### CONDITION IN RESTRAINT OF MARRIAGE.

*Newton v. Marsden*, V. C. W., 10 W. R. 438.

One would have thought that at the present day the law relating to conditions in restraint of marriage would have been perfectly settled, and that the effect of a limitation over, with all its nice varieties, no longer admitted of any ambiguity. In the present case, however, very great doubt was entertained as to the legal effect of such a condition even where there was no limitation over, and the circumstances were by no means complicated.

A. B. devised the rents of lands to C., widow of his nephew, until her son should attain twenty-one, for the maintenance of herself and son, remainder to the son upon his attaining twenty-one, subject to an annuity in favour of C. The will contained a proviso that if C. married again the gift to her of the rents and the annuity should thereupon absolutely cease and be void. The Vice-Chancellor held that the condition of forfeiture was valid. The condition was clearly a subsequent one which made the claim of the widow still stronger. For the divesting of an estate requires more stringent terms than what would be sufficient to prevent the vesting. There was no decided case on the point one way or the other. But the authorities seemed to favour the opinion that such a condition was valid as regards a widow. In Bacon's Abridgment (Legacies, F. 159) the following passage occurs:—"If an annuity be bequeathed by a man to his wife for so many years, if she shall remain a widow so long, this is a good conditional bequest because of the particular interest every husband has in his wife's remaining a widow, for thereby she will the better take care of the concerns of his family (Godolphin, Orph. Leg. 45); but if a stranger gives a legacy upon such a condition it is not good; for there is no more reason for restraining a widow from marrying than a maid." Godolphin (p. 382) appears also to support this distinction, and to extend it to cases where a gift is made by a son to his mother. In *Harvey v. Aston*, 1 Atk. 361 the bulk of learning on this subject was fully discussed. A good deal of distinction was taken in that case between a charge on real

estate and a gift of personality as to the extent to which the Courts would follow the rule of the civil law. This rule, as our readers may be aware, is that a condition not to marry without consent was unlawful and void. Our Courts follow this rule when such a condition is annexed to a pecuniary legacy without any devise over, but reject it if there be a devise over, because the condition in the latter case is in the nature of a limitation, though binding as a condition. In *Lloyd v. Lloyd*, 2 Sim. N. S. 253, Lord Cranworth says, "such a condition is not void as to the wife, the law recognising in the husband such an interest in his wife's widowhood as to make it lawful for him to restrain her from making a second marriage, by imposing a condition that on such marriage any provision he may have made for her shall cease."

We altogether concur with the observation of Lord Cranworth just cited. A reasonable settlement by a widow upon the children of her first marriage is not regarded by the law as a fraud upon the marital rights of the second husband. This shows that where the relationship of marriage exists, it gives a new complexion to a state of facts, so as to warrant a settlement that would be otherwise invalid. The reason of this is that the children of a former marriage are, as it were, purchasers in a certain sense, at least so far as to give them peculiar rights against a step-father or step-mother. The principle of this rule applies to cases such as the present, and is adequate to warrant the distinction between a condition imposed by a husband and one imposed by a stranger. His Honour, however, has, in the present case, decided differently. He observed in his judgment, "that if there was a policy that all people should marry, then there was no reason why a husband should be allowed to impose such a condition any more than any one else." We do not think that his Honour's inference is well founded. There may be a general rule of policy, subject to a certain class of exceptions of a character equally as inflexible as the rule itself. Indeed, the assumption that widows formed a peculiar class of exceptions is entirely in accordance with the fundamental social principle that prohibits restraints on marriage. As it is conducive to the public happiness that the wishes of parties to marriages should be consulted, so it is indispensable to the peace and security of families that minors should be amply protected by means of a restraint upon the marriage of their widowed parent, which would transfer the source of their maintenance into the control of another.

#### COMMON LAW.

##### QUARE IMPEDIT—CANONS OF 1603.

*Marshall v. Bishop of Exeter*, Ex. C., 10 W. R. 390.

The point brought before the Exchequer Chamber in the above case, was whether a bishop could refuse to institute a presentee to a benefice in his diocese, on the ground that such presentee had not produced from the bishop, in whose diocese he had recently had cure of souls, a testimonial of his "*honesty, ability, and conformity to the ecclesiastical laws of England*." The real question was whether or not the 48th canon of 1603 applied to the institution of clerks to livings. The latter part of that canon is as follows:—"The curates and ministers, if they remove from one diocese to another, shall not be by any means admitted to serve, without testimony of the bishop of the diocese . . . whence they came, in writing, of their honesty, ability, and conformity to the ecclesiastical laws of England."

The Court came to the unanimous conclusion, that the 48th canon had no application whatever to the institution of clerks to livings, but only to the service of churches and chapels by curates and ministers who are not the incumbents. Erle, C.J., in giving judgment in the Court below, after quoting from the authorities to show that the 48th canon had no bearing on the present question, held, that the canon which really related to the authority and duty of the bishop, in respect of clerks presented to him for institution, was the 39th. The 39th canon is in these words—"No bishop shall institute any to a benefice who hath been ordained by any other bishop, except he first show unto him his letters of orders, and bring him a sufficient testimony of his former good life and behaviour, if the bishop shall require it." The learned judge proceeded as follows:—"We should be sorry to decide anything which would tend to dispense with the necessity of producing some such testimonial, which in substance is at all events prescribed by this canon, but neither the language of the canon nor the general usage of the prelates, at least in modern times, make it requisite that the presentee, who comes from another diocese, shall produce a testimonial from the bishop of that diocese, still less in the lan-

guage of the 48th canon, of honesty, ability, and conformity to the ecclesiastical laws."

There was a further question discussed on the argument of this case, and that was, how far would the canons of A.D. 1603 be in any case binding upon the patrons of livings. It was laid down by Lord Hardwicke, in *Middleton v. Crofts*, 2 Atk. 659, that the canons of A.D. 1603, inasmuch as they were never confirmed by the Houses of Parliament, but only sanctioned by the King's charter, would not bind the laity *proprio vigore*. This doctrine was upheld in *Marshall v. Bishop of Exeter*, where Erle, C.J., is reported to have said, "we think it right to say, that it seems to us very difficult to maintain that these canons can in any case be binding upon patrons of livings seeking to enforce their own common law rights."

#### RAILWAY PASSENGERS—LOSS OF LUGGAGE.

*Cahill v. The London and North Western Railway Co.*,  
Ex.C., 10 W. R. 391.

At common law the liability of railway companies as carriers of passengers for hire extends only to their personal luggage. This was the principle enunciated by the case of *Shepherd v. The Great Northern Railway Co.*, 8 Exch. 30; and so, where a passenger has merchandise amongst his personal luggage, or packed in such a manner that the carrier has no notice that it is merchandise, no liability attaches to the carrier for the loss of such merchandise, unless its nature was obvious, and the carrier does not object to it as such. It was upon this latter ground that *Walker v. Jackson*, 10 M. & W. 161, was decided.

A somewhat similar question came before the Court of Exchequer Chamber in the above case, on appeal from the Court of Common Pleas (10 C. B. N. S. 154, 9 W. R. 653), viz., the responsibility of a railway company for the loss of some merchandise contained in a box, which was delivered to them by a passenger as his personal luggage, without any notice that such luggage contained merchandise. It was contended that the railway company were bound to make inquiries as to the contents of the box, because it had the word "glass" painted in large letters upon the outside. But the Court decided, that there had been no contract to carry merchandise, and, consequently, no liability attached to the railway company for the loss of such box. Willes, J., in that case, says, "We are dealing with a case where the passenger has passed off on the railway company something, which they were not bound to carry without compensation, as that which they were bound to carry for nothing."

The common law right that belonged to carriers, of determining their responsibility in the carriage of certain articles, was further extended by the statute 11 Geo. 4 & 1 Will. 4, c. 68 (the Carriers Act). Under this enactment, as well as the provisions of the 8 & 9 Vict. c. 20 (the Railway Clauses Act), railway companies are expressly exempted from liability for the loss of goods beyond a certain value, unless they are booked and paid for accordingly. It was distinctly laid down in the case of *Bazendale v. Hart*, in the Exchequer Chamber, 6 Exch. 769, that it is the duty of the sender of such goods (i.e., goods above the value of £10, the amount specified in the Act) to take the initiative by giving notice to the carrier of their value and nature, in order to render the latter liable in respect of their loss; and in the case of *The Belfast, &c., Railway Co. v. Keys*, 9 W. R. 793, on an action brought by a passenger against a railway company for the loss of merchandise taken with him as luggage, and not paid expressly for as merchandise, the House of Lords decided that the action would not lie, inasmuch as it was not shown that the railway company had actual notice that such luggage contained merchandise. It seems further established, that railway companies are, as a general rule, not bound to make inquiries as to the nature of the articles carried, notwithstanding the dictum in the judgment of Best, C.J., in *Riley v. Horne*, 5 Bing 217, "That a carrier has a right to know the value and quality of what he is required to carry": (See *Crouch v. London and North Western Railway Co.*, 14 C. B. 255).

In the year 1861 the National Debt Commissioners received from the public £250,671 stock and £350,006 money, for which they granted immediate life annuities amounting to £54,557, and deferred annuities which will amount to £1,378. They also received £6,026 stock and £5,574 money, for which they granted immediate annuities for terms of years amounting to £937. By such transactions as these some portion of the national debt is year by year converted into terminable annuities.

## Correspondence.

### COUNTY COURT JUDGMENTS.

I shall be glad of the opinion of any correspondent as to the operation and effect of the registration of a county court judgment for £10 and upwards, under the 18th section of 15 & 16 Vict. c. 54, and whether it operates the same in respect to all property as a judgment obtained in the superior courts for any amount, as I have had doubts thrown upon their efficacy, and even, on searching for judgments, that they are seldom noticed.

Perhaps a correspondent can aid me by reference to some decisions upon the effect of their registration. J. N. C.

### NEW BANKRUPTCY ACT, 1861.

Can any of your readers inform me whether debts under prior insolvencies are provable under the Bankruptcy Act, 1861, and whether an order for discharge under a bankruptcy would be a complete and final discharge of debts under former insolvencies, as well as from all present debts, thus leaving future acquired property free. A SUBSCRIBER.

### ARTICLED CLERKS LAW SOCIETY.

In a recent number of your Journal you were kind enough to confer a favour on articulated clerks, by pointing out those law works which might be most appropriately read for the purpose of obtaining a creditable knowledge of the legal profession. If it were not for the aid which has been given in your Journal, and in works addressed to them, articulated clerks would be left entirely undirected in their studies, and I feel sure that even with this assistance there is a great want in their legal education to be yet supplied. To meet this want I have lately mooted the question of an Articled Clerks Law Society, having for its object the assistance of articulated clerks, in enabling them to gain a systematic knowledge of their profession. The means would be *inter alia*, lectures, classes, library, and a debating society. Several articulated clerks are in communication with me upon this subject, but it is highly important that a few more should promise to support us before the society is brought prominently before the profession. If any of your readers approve of this object I shall be glad to hear from them at the office of Messrs. Chauntler & Crouch, 8, Gray's-inn-square. ALFRED H. CROWTHER.

## The Provinces.

**BLACKBURN.**—Mr. T. Lund, magistrate at the Police Court, Blackburn, announced in that court, on Saturday last, that he had received a cheque through the Rev. T. Lund, of Moreton, Derbyshire, which had been kindly presented by Mr. John Baily, Q.C., of the Chancery bar, on behalf of the distressed poor of that town.

**BRIGHTON.**—A meeting of the attorneys and solicitors of Brighton and the neighbouring towns was held on Tuesday, April 22nd, at the Town Hall, to consider the claims of the Solicitors' Benevolent Association, when several life and annual subscriptions were announced, and the following resolutions were passed, viz.: 1. That in the opinion of this meeting the Solicitors' Benevolent Association is deserving of the approval and support of the profession at large. 2. That a local committee be forthwith formed for the town of Brighton and the neighbouring places in the county of Sussex, for the purpose of furthering the objects of the Association. 3. That such committee do consist of the following members, with power to add to their number, and that three do form a quorum, viz.: Messrs. Robert Upperton, Somers Clarke, William John Williams, Thomas King, Wilson A. Stuckey, Ewen Evershed, Arthur Mant, Henry G. Brydone, and Robert Upperton, jun.

**DONCASTER.**—At the West Riding Police Court, held at Doncaster on Saturday last, before Mr. William Aldham and a bench of magistrates, an important question was tried as to the right of a gamekeeper to shoot dogs. A young man named Smith, gamekeeper in the service of Mr. Charles S. A. Thelluson, of Brodsworth-hall, was charged with shooting a dog belonging to a man named Strong. From the evidence it appeared that Strong's dog got away from its master's house on the 7th of April last, and was seen by Smith at Brodsworth,



three and a-half miles distant, the same day. He went after it, and while it was on the highway he fired at it twice, then chased it a mile, and fired again twice, killing it at a place called the "Three Lane Ends." The defence set up was that the case could not be maintained, inasmuch as the defendant was acting, as he believed, in the due execution of his duty, and had a right to shoot the dog. He called evidence to show that the dog had been seen on the estate previously. The Bench decided that the keeper had exceeded his duty in shooting the dog upon the highway (which passed through his master's estate) and a fine of £2 was inflicted, and costs, together with £2, the value of the dog so destroyed.

**GAINSBOROUGH.**—Mr. Smith, the judge of the County Court of Lincolnshire recently gave an important decision in the matter of a bankrupt named George Potter. The first meeting of creditors had been adjourned by Mr. Burton, the registrar, in consequence of some doubts as to the extent of the bankrupt's liabilities, and it having been proved that the bankrupt's debts far exceeded the county court limit of £300, his Honour observed that he was glad to have this case fairly before him. He might be wrong, in which event it would rest with superior authority to set him right. But he had from the first—that is to say, from the moment of his taking the oaths of a commissioner in bankruptcy—believed himself to be invested with a concurrent jurisdiction wholly irrespective of any limits prescribed for a County Court, as such. He sat there that day in a "district Court of Bankruptcy," with the full powers of a "district commissioner," and was prepared to deal with bankruptcies to any amount. He had never doubted that the intention of the Legislature was to accommodate the public, by enabling creditors to prosecute their claims and look after their own interests at home, instead of having to undertake distant journeys for that purpose. There was something altogether absurd in the idea of a judge here limited to £300 cases, and a judge there having boundless jurisdiction. The man who could not be trusted to decide on any matter exceeding £300 was unfit to be a judge at all. It was then ordered that the bankrupt's petition then before the Court be dismissed, and a fresh one prepared upon a £5 stamp, together with an amended statement of liabilities, protection being granted *ad interim*.

**HUDDERSFIELD.**—*Sir J. W. Ramsden and the Tenant-right Owners.*—Another meeting of the tenant-right owners on the estate of Sir J. W. Ramsden took place at Huddersfield a short time ago. The object of the meeting was to convey to the tenants information respecting seven bills which had been filed by tenants in the Court of Chancery against Sir J. W. Ramsden to restrain him from proceeding at law under the notices to quit which he has served upon the tenant-right owners. F. R. Jones, Esq. (the chairman of the Tenant-Right Defence Association), was in the chair. In the course of his address to the meeting, he said, "Sir John vainly hoped that we should again permit him to prosecute his inglorious and unholy object in a court of law. In that we have disappointed him. Some one has well said, 'Thank God we have a House of Lords.' As truly may we say, 'Thank God we have a Court of Equity'—a court which, while it will allow the law of the land to do its work, so long as law does not interfere with justice, but which, with mildest but irresistible sway, will interpose where innocence and weakness are borne down by that arbitrariness and that despotism which, I regret to say, is sometimes found endeavouring to take advantage of bare naked legality." Mr. Joshua Hobson, the secretary of the Association, made the following curious statements in connection with the filing of the bills:—"The bills were first intended to be proceeded with in Vice-Chancellor Wood's Court. The reason why Vice-Chancellor Wood's Court was first selected was this:—we were, of course, anxious to obtain the services of the most eminent men at the equity Bar. We had secured the services of a junior counsel, Mr. Fielding Nalder, under whose care the bills have been drawn, in concert with Mr. Daniel, Q.C., who counselled us in the first instance. It was then arranged that Mr. Rolt should be engaged as leading counsel, along with Mr. Daniel, Mr. Nalder, and any other we might choose to assist them. Application was accordingly made to Mr. Rolt, in the usual way, for the purpose of retaining him; but the answer to our application was, 'I have for many years held a general retainer from Sir John, and therefore I cannot accept yours.' Finding, then, that Mr. Rolt was not at our service, we looked round, and consulted as to the next best man we could get; and acting under the advice and opinion of various parties, we retained Mr. Malins, who practises in Vice-Chancellor Stuart's Court; and having retained him, we went to the court where he practises, because

had we done otherwise, it would have involved the expenditure of rather a considerable sum in the shape of a special retainer. I enter into these explanations, because I have heard that some persons have given utterance to the insinuation, that we have had to go to Vice-Chancellor Stuart's Court because Mr. Daniel has changed his views, and is no longer with us as he was when he gave the opinions which we have published. Under Mr. Daniel's advice and superintendence the bill which I am now about to read has been drawn. Mr. Daniel has settled it, since it was drawn; and Mr. Daniel will appear in court in support of the allegations therein contained. All that we can say on the subject is, that if Mr. Daniel has changed his opinions, he has only told the fact to those who are able to give the information, for he has not told us. To show that we were not far off the mark in engaging Mr. Malins, I may relate to you a circumstance. This bill (holding up one) was served upon Mr. Nelson, on behalf of Sir John, one Saturday afternoon. In less than half an hour after the bill had been served at Mr. Nelson's office a messenger was down at Mr. Malins' chambers, to retain him generally, as they had previously retained Mr. Rolt, on behalf of Sir John. The answer of Mr. Malins was, 'I am already retained in seven cases against Sir John; and it would be perplexing and inconvenient to accept his retainer to take other cases after these seven are disposed of. I therefore trust,' said he, 'that Sir John will reconsider his offer.' Sir John's offer, you will understand, was a 'general retainer'; and no counsel is perhaps at liberty to refuse a general retainer. If Sir John had insisted on it Mr. Malins would perhaps have been bound to have appeared in any other case that might arise after these seven have been disposed of; but Sir John does not appear to have insisted on this: on the contrary, Mr. Malins has received and accepted a general retainer on behalf of the tenant-right owners."

## Colonial Tribunals and Jurisprudence

### UPPER CANADA.

On the 18th March last an extra issued from the office of the *Canada Gazette*, announcing that the Governor General had been pleased to appoint the Honourable Philip Michael Matthew Scott Vankoughnet to be Chancellor of Upper Canada.

The *Upper Canada Law Journal* contains the following particulars relating to Mr. Vankoughnet:—

Mr. Vankoughnet is a very young man to have attained a position so high and important. He is not yet forty years old. His great talents have given him the start of many of his seniors. He is the descendant of a United Empire Loyalist. His grandfather was a loyalist, and his father, Philip Vankoughnet, who is still living, was for many years a member of the Legislature of Upper Canada before the union of Upper and Lower Canada.

The present Chancellor is a Canadian by birth, having been born at Cornwall on the 26th January, 1823. Dr. Urquhart of that town was his instructor. He early gave promise of the talents which have since made him so distinguished. His parents had intended him to embrace the clerical profession; this was their design, and so continued for several years. He is said at one time not to have been averse to it; but owing to some circumstance or other suddenly changed his intentions. Some say that it was his admiration of a speech delivered in his hearing by the late Mr. Justice Hagerman that caused the change.

He first became a student-at-law in the office of George Jarvis, of Cornwall. He next entered the office of Messrs. Smith & Crooks, in Toronto. He displayed great aptitude for the profession and diligence in the pursuit of it. He was known among the students of his day as "a hard-working, clever kind of fellow." His principals trusted much to his judgment, and his subsequent career has proved the correctness of their discernment. He was called to the bar in February, 1844, when only twenty-one years of age. He wisely decided to practice in the city of Toronto, the seat of law. His first partnership was with the present Mr. Justice Burns. His next was with Mr. Oliver Mowat, who at one time was considered his rival for the Chancellorship, in the event of a lucky throw in the political dice. His diligence after his call to the bar was not so great as when a student. He trusted

more to his talents than to his industry. He was successful at Nisi Prius as an advocate. His display of industry "during term" was not equal to that of many of his compeers. He during the later years of his practice made equity his study, and held many equity briefs. He was the Trinity College lecturer on "Equity Jurisprudence," at the same time that the present Mr. Justice Hagarty lectured on the "Law of Contracts," and Mr. J. Hillyard Cameron on the "Law of Real Property." His lectures were oral, and not remarkable as the fruits of industry; but were at all times interesting and instructive. He was only twelve years at the bar when, in 1856, he accepted the office of President of the Executive Council, at the solicitation of the present Attorney-General for Upper Canada. Since then he has not been in the active practice of his profession; his duties as a minister of the crown engrossed his attention. He was shortly after his acceptance of office elected a member for the Legislative Council division of Rideau, and from that time till his acceptance of the office of Chancellor was the leader of the Government in the Legislative Council. At first he was said as a public man to be a failure. This was a hasty conclusion. No doubt, considering his youth and inexperience in politics, he did not for a little time take a decided and prominent position in debates. He was, however, not long in doing so, and when he did so it was with marked effect. His good humour and acknowledged abilities soon made him fully equal to his conspicuous and important position. During the Macdonald-Cartier Administration he was head of the Bureau of Agriculture, and upon the formation of the Cartier-Macdonald Administration he became Commissioner of Crown Lands; and in the latter office, to the surprise of everybody, accomplished wonders in cleaning that Angean Stable. His ready talents, combined with his knowledge of both law and equity, enabled him to dispose of hundreds of "land cases" which for years had lain dormant on the shelves of the department.

It is to be hoped that the industry of his boyhood will characterize the discharge of the duties appertaining to the high office which he now fills. Noted as the Crown Land Department was for numbers of undetermined cases, he will find still more in the Court of Chancery. The illness of the late Chancellor long before his resignation, and the vacancy in the office since his resignation, have added much to the work of the Court. The two Vice-Chancellors have been far from idle, but the work to be done was more than enough for any two men, however industrious or however able.

The following appointments have recently been made in this district, viz:—

#### JUDGES.

Hon. Sir John Beverly Robinson, Baronet, C.B., late Chief Justice of Upper Canada, to be the presiding Judge of the Court of Error and Appeal for Upper Canada, according to the statute 24 Vic. c. 36.

Hon. Archibald McLean, one of her Majesty's Justices of the Court of Queen's Bench in Upper Canada, to be the Chief Justice of Upper Canada, in the room and stead of Sir J. B. Robinson, C.B., resigned.

Hon. Philip Michael Matthew Scott Vankoughnet, Q.C., to be Chancellor of Upper Canada, in the room and stead of William Hume Blake, resigned.

Hon. John Hawkins Hagarty, one of the Judges of Her Majesty's Court of Common Pleas in Upper Canada, to be one of the Judges of Her Majesty's Court of Queen's Bench for Upper Canada, in the room and stead of Archibald McLean, appointed Chief Justice of Upper Canada.

Hon. Joseph Curran Morrison, Solicitor-General for Upper Canada, to be one of the Judges of Her Majesty's Court of Common Pleas for Upper Canada, in the room and stead of J. H. Hagarty, appointed a Judge of her Majesty's Court of Queen's Bench in Upper Canada.

#### SOLICITOR-GENERAL.

James Patton, to be Solicitor-General for Upper Canada, in the room and stead of Joseph C. Morrison, resigned.

#### QUEEN'S COUNSEL.

James Patton, to be one of her Majesty's Counsel in Upper Canada.

#### NOTARIES PUBLIC.

Henry Irskine Irvine, of the city of Hamilton, to be a Notary Public in Upper Canada.

Alfred Fisher, of Sarnia, to be a Notary Public in Upper Canada.

William Johnson, of Colborne, to be a Notary Public in Upper Canada.

Thomas McNaughton, of Cobourg, barrister-at-law, to be a Notary Public in Upper Canada.

Thomas Douglas Ledyard, of London, attorney-at-law, to be a Notary Public in Upper Canada.

George Morphy, of Toronto, barrister-at-law, to be a Notary Public in Upper Canada.

John Keith Galbraith, of Bowmanville, attorney-at-law, to be a Notary Public in Upper Canada.

William Daniell, of London, barrister-at-law, to be a Notary Public in Upper Canada.

George James Weller, of Lindsay, attorney-at-law, to be a Notary Public in Upper Canada.

Featherstone Osler, of the city of Toronto, barrister-at-law, to be a Notary Public in Upper Canada.

#### CORONERS.

William John Klophehl, Associate Coroner, County Brant.

William John Klophehl, Associate Coroner, Town of Brantford.

George R. Welden, Associate Coroner, County of Hastings.

#### REGISTRARS.

David S. Shoemaker, to be Registrar of the North Riding of the County of Waterloo.

Ward Hamilton Bowlby, to be Registrar of the South Riding of Waterloo.

### Foreign Tribunals and Jurisprudence.

#### FRANCE.

##### THE LAW OF LANDLORD AND TENANT.

The Civil Tribunal of the Seine recently gave judgment in the case of a complaint brought by M. Domange against his landlord, M. Daremont, the proprietor of a house on the Boulevard Beaumarchais. It appears that the house on the boulevard communicates with another belonging to the same person on the Quai des Tournelles, and there is only one *concierge* for both entrances, so that after the door on the boulevard is closed at midnight the tenants of the house on the boulevard can only obtain admission by going round to the other entrance, near which the *concierge* and his family sleep. M. Domange insisted on his right to enter from the boulevard at any hour he pleased, and also that the staircase should be lighted every night till 12 o'clock. Nothing, however, was done to satisfy him until he gave notice of the present action, when the proprietor gave orders that some member of the *concierge's* family should sleep in the lodge towards the boulevard, to be there in readiness to open the door. The Court, after hearing counsel for both persons, decided that the plaintiff was entitled to enter by the door on the boulevard, at any hour he pleased, and that the staircase must be kept lighted till midnight, but, that, as the grievances had been already remedied, there was no ground for granting damages unless in case of recurrence.

Another action concerning the rights of landlords and tenants has also come before the same tribunal, under the following circumstances:—M. Rosenfeld, an Orientalist, who dealt in books and manuscripts in all languages, last year took a small apartment, on a parol lease for a year, in a house belonging to a M. Mallet, in the Rue Grégoire de Tours, and paid one quarter's rent (75f.) in advance. Before the expiry of the second quarter, however, M. Mallet gave his tenant notice to quit, but the latter refused, on the ground that he had taken the apartment for a year certain. When quarter-day came round the landlord obtained from the *juge de paix* an order of ejectment, and removed all his tenant's stock in trade, about 4,000 volumes, to an empty room in another house of his, situated in the Rue des St. Pères. This sharp practice had such an effect upon poor Rosenfeld that he became insane and was sent to Bicêtre, where he remained under treatment for six months, and was then allowed to withdraw, as cured. On his discharge he went to inquire after his books, and found to his dismay that Mallet had caused them all to be sold by auction, under the authority of a judge's order, as goods belonging to a person who had disappeared. Rosenfeld then brought his action for damages, on the ground that the landlord could have no right to dispose of the property, since no rent was due. The defendant's counsel argued that a landlord could not be bound to keep indefinitely the goods of a tenant

who had disappeared, and that his client had only exercised an undoubted right under the authority of the judge's order. The Court, however, decided that the plaintiff had a just claim for an indemnity, and accordingly condemned the defendant to pay him 500*l.* damages, with all costs of suit.

#### AMERICA.

DISTRICT COURT OF THE UNITED STATES.

*District of Massachusetts.*—Feb., 1862.

THE *AMY WARWICK* AND CARGO.—(PRIZE).

The *Amy Warwick*, a brig, was captured August 10, 1861, on the high seas, by the United States ship of war *Quaker City*, and sent into this district for condemnation. The libel was against both vessel and cargo. The vessel and part of the cargo were admitted to belong to citizens and permanent residents of Richmond, Va. This hearing was confined to the property so owned; the question as to the rest of the cargo being left for future investigation.

The case was very ably argued, judging from the report in the *Monthly Law Reporter* (Boston, Mass.), vol. 24, p. 335; and Sprague, J., delivered an elaborate judgment, of which the following head-note is given by our American contemporary:—

The district courts of the United States are permanent prize tribunals, and take cognizance of questions of prize by virtue of their general jurisdiction.

Prize courts are subject to the instructions of their own sovereign.

In the absence of such instructions their jurisdiction and rules of decision are to be ascertained by reference to the known powers of such tribunals, and the principles by which they are governed under the public law and the practice of nations.

The United States may be engaged in war, and have all the rights of a belligerent, without any declaration by Congress.

In such war it would be the duty of the President to exert all his powers as commander-in-chief of the army and navy to capture or destroy the enemy.

And if under his instructions an enemy's ship should be taken and sent in for adjudication, the prize court must proceed to decide the question of prize upon the principles of public law.

The hostilities which were commenced and have been prosecuted by the rebel confederates against the United States, constitute war in the legal and constitutional sense of that term.

In this war the rebels are at the same time belligerents and traitors, and subject to the liabilities of both.

The United States sustain the double character of a belligerent and sovereign, and have the rights of both.

The temporary non-user of any of such rights is not a renunciation of them, but they may be called into practical exercise at pleasure.

The United States have full belligerent rights which are in no degree impaired by the fact that their enemies owe allegiance, and have added the guilt of treason to that of unjust war.

If a hostile power, either from without or within our territory, shall make formidable war upon the United States, the President is bound to use the army and navy to carry on the war effectively against such an enemy.

He may do so in the manner and by the measures usual in modern civilised warfare.

One of the most familiar of these is the capture of enemy's property, public and private, on the ocean.

The statute of 1807, ch. 39, authorizes the President to employ the army and navy to suppress an insurrection.

The manner in which they are to be used is left to the discretion of the President, guided by the usages and principles of civilised war.

These undoubtedly authorize the capture of enemy's property at sea.

What is enemy's property is a judicial question.

Residence of the owner in the enemy's country may be of such a character as to stamp property conclusively as hostile.

The Court may be compelled to decide what shall be deemed enemy's country.

Richmond in Virginia, held to be enemy's country, and property captured on the ocean belonging to a permanent resident of that place, to be lawful prize.

In establishing the blockade the President exercised a great belligerent right.

He could not prohibit or restrict the commerce of any State by a mere municipal regulation.

The blockade, and the orders of the President to the navy, by which captures have been made, have been confirmed by Congress by statute 1861, chap. 63.

This has the force of instructions to prize tribunals to regard those proceedings of the President as legal and valid.

The President, as commander-in-chief, may instruct the officers of the navy to capture, or to abstain from capturing, certain vessels or cargoes.

The statute of 1861, chap. 28, adds to the means of the President, but in no degree detracts from his previous authority to treat persons or property as he shall deem best.

The proviso in the 24th section of the Crimes Act of 1790, chap. 9, and the analogous provision in the constitution, art. 3, sect. 3, do not preclude the Government from having a forfeiture or condemnation of property, at least in cases where the owner has not been convicted of treason.

The Acts of Congress, passed in the summer of 1861, were intended to make the prosecution of the war more efficient, and in no degree to curtail the authority which the President previously possessed.

The previous right of belligerent capture at sea is left unimpaired.

#### Societies and Institutions.

##### METROPOLITAN AND PROVINCIAL LAW ASSOCIATION.

The fifteenth annual general meeting of the Metropolitan and Provincial Law Association was held at the Incorporated Law Society's Hall, on the 16th inst. Mr. J. S. Torr was in the chair.

The secretary, Mr. Rickman, read the annual report of the Committee of the Association, who, after referring to the proceedings of the Association with reference to the law bills of last session, then gives the outlines of the law bills now before Parliament—viz.: the Transfer of Land Bills, the Law of Property Bill, the Lunacy Regulation Bill, the Parochial Assessment Bill, the Chancery Regulation Bill, the County Courts Procedure Bill, the Prosecution Expenses Bill, the Trade Marks Bill, and the New Courts of Justice (Building and Money) Bills. The Committee then refers to its proceedings in respect to the preliminary examination in general knowledge before being article, and the intermediate examination, and state that the result of its endeavours was the obtaining the present regulation of the judges as to the examinations in the country. Among other things the committee states that

It having been brought under the notice of the Committee that the wills and other documents deposited in one of the archidiaconal registries had not been transmitted to the proper registry, in accordance with the provisions of the 89th section of the Probate Act of 1857 (20 & 21 Vict. c. 77); that the ecclesiastical registrar was pensioned off under the Act and that his deputy who had the charge of such wills, &c., had died leaving no one to take his place, whereby inconvenience was occasioned, and the safety of the wills, &c., endangered; the Committee lost no time in communicating with Dr. Bayford the principal registrar of the Court of Probate, on the subject and (it being understood that there were also other cases of documents untransmitted) suggested that requisitions under the seal of the Court of Probate might be at once issued to all persons having the custody of such documents, requiring them at once to transmit the same to be deposited and arranged as directed by the Act. In reply Dr. Bayford stated that the whole of the testamentary papers throughout the kingdom, saving those at York and Lichfield, a few which were to go to Wakefield, and such as were to come to the principal registry, had already been transferred, and that whenever the Government were pleased to afford accommodation for them, the remainder would also be transferred. Thus, we have here another among the numerous incidents continually occurring which show the incalculable gain which would be afforded to the public by the carrying out of the plan for the concentration of the courts and offices: for with this comprehensive scheme in view it is not probable that Government can be induced to add to the already great number of scattered offices by engaging an additional building for the deposit of testamentary papers.



At the meeting held last October, in Worcester, the following resolution was passed:—"That the Committee are requested to endeavour to procure a rule of court, directing that in all cases of verdicts obtained at the assizes, the unsuccessful party shall have two clear days' notice of the taxation of costs." The Committee accordingly prepared and sent a memorial on the subject to all the common law judges just previous to their leaving town for the spring assizes, during which, it is hoped, the matter has received their Lordships' attention.

The Committee have recently appointed a Sub-Committee to consider and report whether any and what improvements can be made in the present mode of transacting business at the common law judge's chambers, and will feel obliged to any members who will furnish the Sub-Committee with statements of the remedies they would suggest for the admitted existing inconveniences attending the hearing of a multitude of summonses, all issued for the same hour, and in vacation, to be heard before the same judge.

A short time back the opinion of the Committee was sought by a member of the Association as to what other charges, in cases of mortgages, were made in London when the procuracy fee was charged. Its reply was that in London the procuracy fee covers all preliminary expenses for the negotiation of the loan, such preliminary expenses including all attendances and other charges up to the receipt of the abstract. The charge for perusing the abstract should form the first item of the bill of costs, which is otherwise unaffected by the charge of the procuracy fee.

In answer to a case submitted to it by another provincial member the Committee returned the following opinion, which will explain itself:—

1. That to alter a draft bearing the approval of a solicitor, and to engross it without his further perusal, is a deviation from the code of professional practice.

2. That in the absence of any agreement to the contrary the usual practice is for the lessor's solicitor to prepare a lease and counterpart, for both of which the lessee is to pay: but see *Gressell v. Robinson*, 3 Bing. N. C. 10, and *Jennings v. Major*, 8 Car. & P. 61.

In conclusion the Committee urge upon all the subscribers, and through them upon the profession generally, that the Association is really a valuable one, and deserving of more extended support. With every increase of means a proportionate enhancement of efficiency would be attained, until, instead of as at present, being often compelled, through considerations of expense, to abstain from taking that more vigorous course of action which their judgment points out as desirable, the Committee would be enabled boldly to pursue the objects in view, unfettered by such depressing and enervating influences.

There are now upon the roll of the Association 199 metropolitan and 534 provincial members, of whom 135 are life and 598 annual subscribers. During the year ending March 31st, including arrears, 2 life and 501 annual subscriptions have been received. The total income has amounted to £553 19s. 4d., and the expenses, including liabilities, to £545 15s. 7½d.

The report was adopted and ordered to be printed and circulated.

Mr. T. Avison, of Liverpool, was appointed chairman, and Mr. W. Shasen, of London, and Mr. Livett, of Bristol, were appointed deputy-chairmen, of the association for the ensuing year.

#### LAW AMENDMENT SOCIETY.

The 11th general meeting of the Law Amendment Society was held on Monday evening at 3, Waterloo-place, Pall-mall; the Hon Mr. Headlam, Judge Advocate, in the chair.

Mr. HASTINGS drew attention to the late vote of the House of Commons on the Bill for the Concentration of the Law Courts, and detailed the circumstances which led to the defeat of the Bill on its second reading by a majority of two. He thought that, according to the usages of the House, the measure might be brought forward again this Session. This was the time to urge upon the Government to bring it forward. He concluded by moving the following resolution:—"That this society, deeply regretting the recent vote of the House of Commons adverse to the Courts of Justice Bill, reiterates the opinion expressed by the general meeting of the 17th of January 1859, in favour of a concentration of all the law courts and offices in a single building, and urges on the council the duty of renewing their representations to the Government and the Legislature in favour of this great practical improvement in the administration of the law."

Mr. Trower seconded the motion.

Sir Francis Goldsmid, M.P., thought that the suitors' fund could not be made available for the purpose of carrying out the measure.

A lengthened discussion ensued, in which Mr. Cranford, M.P., Mr. Field, and others took part. The motion was then agreed to unanimously.

#### Obituary.

##### THE LATE HON. WILLIAM RITCHIE, JUDGE ADVOCATE-GENERAL OF INDIA.

The Honourable William Ritchie died on the 22nd of March. Twenty years ago he went to India, where all that time he has worked with unflinching energy, high aim, and full success, occupying from the first a position at the Bar calculated to inspire his competitors with envy, and for the latter part of it a position with the Government and a share in the Imperial councils making him the mark for all men's criticism; and the highest praise that a successful public man can claim is his. No man is his enemy; all men will sincerely mourn him. All parties will acknowledge that at this eventful period almost any man could have been better spared.

He was taken ill on the 15th of March, and on the 19th he was absent from his place in the Supreme Council, dangerously ill with internal inflammation, and died at four o'clock on the morning of the 22nd.

Such consolation as can be afforded to his bereaved family circle by the warm sympathy of a whole community is theirs, for death never struck down one in British India who commanded more entirely the esteem and good feeling of all with whom he came in contact, whether in public or in private life, whether among Europeans or natives, than did William Ritchie.

#### Law Students' Journal.

##### QUESTIONS FOR THE EXAMINATION.

Easter Term, 1862.

##### I. PRELIMINARY.

1. Where, and with whom, did you serve your clerkship?
2. State the particular branch or branches of the law to which you have principally applied yourself during your clerkship.
3. Mention some of the principal law books which you have read and studied.
4. Have you attended any, and what, law lectures.

##### II. COMMON AND STATUTE LAW AND PRACTICE OF THE COURTS.

5. What is required to be done in order to render a bill of sale of personal chattels, left in the possession of the party making it, valid as against execution creditors, &c.
6. What is the difference between a specialty and a simple contract debt, and has one any priority over the other in the respective events of the bankruptcy or the death, leaving an insolvent estate, of the debtor?
7. What is required to be done by a party possessing a copy of a document, the original of which is in the hands of his adversary, to entitle him to read such copy on a trial if the adversary should refuse to produce the original?
8. Does the executor or administrator of a sole or surviving executor, or the executor of an administrator, represent the first testator or intestate, and, if not, how is a representation constituted?
9. Is a plaintiff entitled to his costs in an action for trespass in which he recovers less than 40s. damages, or is anything required to entitle him to such costs? What alteration has recently been made in the law with reference to costs in actions for alleged wrongs in which less than £5 is recovered?
10. Describe shortly the pleadings in a simple action to recover the price of goods sold and delivered, in which the only defence is that the defendant never ordered or received the goods; and state the times allowed to the defendant for appearing and pleading respectively.
11. To what cases does the lower scale of costs directed to be allowed on taxation apply?
12. How are the costs adjusted in an action in which the

plaintiff seeks to recover £100, which the defendant reduces to £50, by succeeding to the extent of £50, on a plea of set-off, and the plaintiff gets a verdict for £50 accordingly?

13. What is the meaning of a writ of inquiry and a writ of trial respectively?

14. When may a debtor be arrested on mesne process, and what is required to enable a creditor to issue a capias for that purpose?

15. What is the meaning of a distress, and how is it made?

16. Can an oral promise to pay the debt of another be enforced?

17. Is a master liable for damages sustained through either the negligence or the criminal act of his servant?

18. Is a debt secured by a bond, or otherwise, legally assignable? and if not, in what way is the object practically attained when it is desired to make an assignment?

19. To what tribunals successively do appeals lie from the Courts of Queens Bench, Common Pleas and Exchequer?

### III. CONVEYANCING.

20. What is the meaning of a chattel interest in land?

21. What leases must be by deed?

22. Out of what estates of her husband is a wife entitled to dower?

23. State and explain the common uses to bar dower?

24. To what extent can real property be settled without violating the rule against perpetuities?

25. State the rule in *Shelley's Case*.

26. What is the distinction between "privity of estate" and "privity of contract" as between lessor and lessee?

27. In a grant of land to A. and his heirs, to the use of B. and his heirs, to the use of C. and his heirs, what estates do A., B., and C. respectively take?

28. What are the forms necessary in order to render valid the disposition by a married woman of her reversionary interest in personal estate?

29. What is the best form of *reddendum* in a lease?

30. What are the usual limitations in a settlement in which real estate is limited in strict settlement?

31. What is necessary to render a bill of sale valid against creditors?

32. What are the proper modes of execution and attestation respectively of a will?

33. By what acts is a will revoked?

34. What are the usual searches to be made previously to the completion of a purchase of real estate?

### IV. EQUITY AND PRACTICE OF THE COURTS.

35. In what cases falling under the head of accident is relief afforded in equity?

36. A. purchases an estate, and takes a conveyance of it in the name of B. a stranger. A. purchases another estate, and takes a conveyance of it in the name of C. his son. Is there in either, and which, of these cases a resulting trust to A.?

37. Is a devise of real estate (under a will dated in or prior to 1853) subject to a mortgage, entitled to have the mortgage debt paid out of the personal estate of the testator, and has any and what, alteration been since made in respect of the right of such devisee?

38. Define a *donatio mortis causa*, and state in what particulars it differs from, and in what it resembles, a legacy.

39. Explain the doctrine of election as applied by courts of equity.

40. Is the jurisdiction of courts of equity in granting injunctions affected by the Common Law Procedure Act, 1854, and what power in respect of injunctions is given by that Act to any other, and what courts?

41. Will a court of equity in any, and what, cases interfere to restrain a tenant for life without impeachment of waste, from committing waste?

42. State the means by which a wife's equity to a settlement may be waived by her, and some of the instances in which it may be lost or forfeited by her.

43. Within what period after the filing of a bill, must it be served on a defendant within the jurisdiction?

44. State what evidence can be read on the hearing of a cause on bill and answer.

45. What length of notice of motion for a decree must a plaintiff give? and what must he do previously to giving such notice?

46. If either party in a cause in which issue is not joined, is desirous of cross-examining on affidavits filed by the opposite party, before whom is it done, and what notice must be given?

47. On exceptions being taken to the answer of a defendant,

within what time must he submit to answer, and what time is there allowed for his so doing?

48. After the evidence is closed, within what time must the plaintiff set down the cause for hearing, and if he fails to do so, what steps is it open to the defendant to take?

49. After the enrolment of a decree, to whom will an appeal lie, and within what time must it be presented?

### V. BANKRUPTCY AND PRACTICE OF THE COURTS.

50. Name the two principle statutes now in operation respecting bankrupts.

51. State what persons are now subject to the bankrupt laws.

52. How is adjudication of bankruptcy to be obtained by a debtor?

53. How is adjudication of bankruptcy obtained against a debtor?

54. Name some of the principal acts of bankruptcy which may be committed by a trader, and some of those which are only applicable to non-traders.

55. State some of the acts of bankruptcy which are equally applicable to all debtors, whether traders or not.

56. How can a proof in bankruptcy be made in respect of unliquidated damages?

57. How can a proof be made upon premiums on policies of assurance?

58. In what cases have the county courts jurisdiction in matters of bankruptcy?

59. Give some account of a change from bankruptcy to arrangement, as provided for by the 185th and following sections of the Bankruptcy Act, 1861.

60. State the conditions upon which trust deeds for the benefit of creditors, composition and inspectorship deeds, are valid and effectual, and binding on all the creditors of the debtor under the Bankruptcy Act, 1861.

61. What is the extent of a landlord's remedy against the estate of a bankrupt for rent, or proportionate part of rent?

62. State some of the rules to be observed by the Court in granting or withholding orders of discharge.

63. What is the effect of the order of discharge when obtained?

64. Name some of the instances in which a bankrupt shall be liable to be indicted for a misdemeanour under the Bankruptcy Act, 1861, and also the nature and extent of the punishment.

### VI. CRIMINAL LAW AND PROCEEDINGS BEFORE MAGISTRATES.

65. At what periods of the year is the court of quarter sessions held in counties? And does an appeal lie, and to whom, from all, or any, of its decisions?

66. State what constitutes a court of petty sessions, and what is the general nature of matters transacted there?

67. Is there any appeal from the determination of magistrates in petty sessions, and if so, to what tribunal, and what proceedings should be taken by the appellant?

68. What is burglary, and within what hours must it be committed in order to constitute the offence?

69. What is forgery as defined by Act of Parliament, and will the alteration of a genuine instrument amount to forgery, and if so, under what circumstances?

70. In what cases is a magistrate bound to admit the accused to bail; and in what cases has the magistrate power to bail or not in his discretion; and in what case is he not empowered to admit to bail?

71. Mention some of the offences for which justices of the peace can summarily convict.

72. What are the most usual modes of prosecuting to conviction a person guilty of a criminal offence? State the various ways in which the proceeding may be commenced.

73. Give an explanation of the meaning of the term "felony," as applied to crimes in the law of England.

74. Are there any, and what, offences in which the evidence of two witnesses is required in order to convict the party charged?

75. State several of the crimes which in the early part of the present century were punishable by death, but which are no longer liable to that punishment.

76. Is a married woman, who has committed a criminal offence, exempt from conviction under any, and what, circumstances?

77. Describe the offence of embezzlement, and the evidence necessary to support the charge.

78. Describe a nuisance, and state the evidence necessary to support the indictment.

79. What is meant by the extradition of criminals? and how do the provisions of a treaty with a foreign state become the law? Give an instance.

#### ADMISSION OF SOLICITORS.

*Easter Term, 1862.*

The Master of the Rolls has appointed Tuesday, the 13th of May, 1862, at the Rolls Court, Chancery-lane, at four in the afternoon, for swearing in solicitors.

Every person desirous of being sworn in on the above day must leave his common law admission, or his certificate of practice for the current year, at the Secretary's Office, Rolls-yard, Chancery-lane, on or before Monday, the 12th of May, 1862.

The papers of those gentlemen who cannot be admitted at common law till the last day of term will be received at the Secretary's Office up to 12 o'clock on that day, after which time no papers can be received.

#### ADMISSION OF ATTORNEYS.

The following days have been appointed for the admission of attorneys in the Court of Queen's Bench:—

Monday . . May 12 | Tuesday . . May 13

#### Public Companies.

##### MEETINGS.

##### CHARTERED BANK OF INDIA, AUSTRALIA, AND CHINA.

At the ordinary general meeting of this bank, held on the 30th ult., a dividend was declared at the rate of £5 per cent. per annum, free of income tax, which will be payable on and after the 7th inst.

##### SAMBRE AND MEUSE RAILWAY.

At the half-yearly meeting of this company, held on the 29th ult., a dividend at the rate of 2½ per cent. was declared for the past half-year.

##### WEST OF FIFE AND CHARLESTON RAILWAY.

At the half-yearly meeting of this company, held on the 29th ult., the following dividends were declared for the past half-year—viz., on the Charleston shares, 5 per cent., and on the West of Fife shares 4 per cent.

##### WEST FLANDERS RAILWAY.

At the half-yearly meeting of this company, held on the 30th ult., a dividend of 4s. 9d. per share was declared for the past half-year.

#### Births, Marriages, and Deaths.

##### BIRTH.

ALGER—On April 2, at No. 2, Montague-street, Russell-square, the wife of Owen T. Alger, Esq., of Bedford-row, London, prematurely, of a daughter.

##### MARRIAGES.

ANGELO—GRIFFITH—On April 24, Michael Angelo, Esq., of the War Office, to Annie, daughter of the late William Griffith, Esq., of Windsor, and French's Estates, Barbadoes, and Solicitor-General for that Island.  
BATEMAN—HEATH—On April 22, Charles Bateman, Esq., Surgeon, Nottingham, to Mary Angelina Heath, daughter of the late J. H. Heath, Esq., Solicitor, Graham's-town, Cape of Good Hope.

GREGG—GOORE—On April 24, St. George Gregg, Esq., to Ada, daughter of the late W. H. Goore, Esq., Barrister-at-Law.

MINETT—DEW—On April 24, William Henry Minett, Esq., son of Henry Minett, Esq., Solicitor, Ross, to Emily Ann, daughter of Daniel Dew, Esq., of the New House, Brampton Abbots.

NAPIER—CHAPMAN—On April 23, C. J. Dundas Napier, Esq., Lieutenant and Quartermaster, R.M.L.I., to Celia, daughter of the late Edmund Chapman, Esq., of the Inner Temple, Barrister-at-Law.

STEVENS—FIGGINS—On April 24, Richard Stevens, Esq., cf. 26, Bell-yard, Temple Bar, to Louisa Elizabeth, daughter of James Figgins, Esq., of Forest-hill.

WHITE—STODDON—On April 24, James Sewell White, Esq., Barrister-at-Law, Inner Temple, to Emily Anna, daughter of the late John Stoddon, Esq., Southlands, Heavitree.

##### DEATHS.

ALGER—On April 28, the infant daughter of Owen T. Alger, Esq., Bedford-row, London.

BAINES—On April 29, Henry Ramsay Baines, Esq., Taxing Master of the Court of Chancery.

COX—On April 27, aged 63, Thomas Baker Cox, Esq., of the Poultry, Solicitor.

DEVEY—On April 20, Frederick Nicholls Devey, Esq., of Ely-place, in his 77th year.

GREEN—On Feb. 26, at Hongkong, in the 37th year of his age, Frederick William Green, Esq., Barrister-at-Law.  
HANCOCK—On April 25, Emma, daughter of the late William Hancock, Esq., Solicitor.

#### London Gazettes.

##### Windings-up of Joint Stock Companies.

FRIDAY, April 25, 1862.

UNLIMITED IN CHANCERY.

Risca Coal and Iron Company.—The Master of the Rolls will proceed, on May 3, at 12, to make a further call of £25 per share on all the contributors of the company.

TUESDAY, April 29, 1862.

UNLIMITED IN CHANCERY.

Professional Life Assurance Company, Registered.—The Master of the Rolls will on May 10 at 1, proceed to make a call on persons settled on the list of contributors of the said company, for one pound ten shillings per share.

LIMITED IN BANKRUPTCY.

Southampton, Isle of Wight, and Portsmouth Improved Steamboat Company (Limited).—Petition for winding up, presented April 24, will be heard before Mr. Com. Fane, on May 7 at 1.30. Sols Linklater & Hackwood, 7 Walbrook.

##### Creditors under 22 & 23 Vict. cap. 35.

*Last Day of Claim.*

FRIDAY, April 25, 1862.

Crosby, John, Kirkby Thor, Westmorland, Banker. June 2. T. Nelson Hornby Hall, Westmorland, Administrator.  
Farquharson, Charles, 28 St. George's-rd, Pimlico, Middlesex, Esq. July 10. Sols Farrer, Overy, & Farrer, 66 Lincoln's-inn-fields.  
Garne, Susannah, East Bergholt, Suffolk, Widow. June 24. Sol Newell, Colchester.  
Hoare, Joseph, Wendover, Buckinghamshire, Mealman and Dealer in Flour. July 24. Sol Young, 10 Warwick-sq, London.  
Weaving, John Guy, Oxford, Cornfactor. May 22. Sols T. & G. Mallam, Oxford.

TUESDAY, April 29, 1862.

Astley, John Whittaker, Blackburn, Stationer. June 15. Haworth, Edg- end, near Burnley, Agent to the Administrator.  
Earle, William, Hungershall-pk, Tunbridge Wells, Esq. June 1. Wey- mott, Solicitor, 5 Albion-pl, Blackfriars-bridge.  
Fowler, George Edward, 7 South Molton-lane, Brook-st, Grosvenor-sq, Middlesex, Tin Plate Worker. June 10. Davis, Solicitor, 10 Golden-sq.  
Halgh, George, Pocklington, Yorkshire, Woolstapler. July 1. Craven & Rankin, Solicitors, Halifax.  
Handy, Samuel, Park End-st, Oxford, Publican. June 25. Druce, Soli- citor, Oxford.  
Hunt, Henry, York, Hop and Seed Merchant. July 5. Walker, Solicitor, York.  
Jarmain, Joseph, Queen's Head, Fashion-st, Dockhead, Surrey, Licensed Victualler. June 3. Slee & Robinson, Solicitors, 1 Parish-st, South- work.  
Kemp, John, 68 Devonshire-st, Hulme, Manchester, Warehouseman. June 1. Sale & Co, Solicitors, Manchester.  
McCarter, Peter, 12 High-st, Marylebone, Middlesex, Tailor. May 31. Goodman & Morley, Solicitors, 3 King's-bench-walk, Temple.  
Oxley, John, Grimesthorpe, Sheffield, Grocer. June 30. Smith & Burde- kin, Solicitors, Sheffield.  
Reeve, Samuel, Marlborough, Wilts, Horse Dealer. May 31. Halcombe & Woodward, Solicitors, Marlborough.  
Richardson, John, Rugby, Wine Merchant. May 10. W. & E. Harris, Solicitors.  
Sheldon, James, Lower Rushall-st, Walsall, Gent. June 10. Thomas, So- licitor, Walsall.  
Spencerley, John, Woodhouse, Coach Proprietor and Farmer. May 10. North & Sons, Solicitors, Leeds.  
Surtees, George, Stanborough, Silkstone, Yorkshire, Land Steward. June 30. Smith & Burdekin, Solicitors, Sheffield.  
Wellsted, John, 2 Mountfield-villas, Uxbridge-rd, Middlesex, Gent. July 31. Abbott & Wheatley, Solicitors, 22a Southampton-bldgs, Chancery- lane.  
Wyatt, Matthew Cotes, Dudley-grove House, Paddington, Esq. June 9. Upton, Johnson, & Upton, Solicitors, 20 Austin Friars.

##### Creditors under Estates in Chancery.

*Last Day of Proof.*

FRIDAY, April 25, 1862.

Bullock, Robert, Eugeley, Staffordshire, Gent. May 26. Banks & Buckley, V.C. Wood.  
Forrest, Francis Henson, Bradford, Innkeeper. May 27. Edmondson & Watson, V.C. Stuart.  
Pitcher, William, Northfleet, Kent, Shipbuilder. May 26. Smith & Pitcher, M.R.  
Rackstraw, Gaynam, 8 Tudor-st, Blackfriars, London, Glass Merchant. May 31. Rackstraw & Rackstraw, V.C. Stuart.  
Taylor, John, Bilby-hall, near Alford, Lincolnshire, Esq. May 20. Mason & Gray, V.C. Stuart.

TUESDAY, April 29, 1862.

Bareham, John, Mortimer, Berks, Victualler. May 28. Hodges & Jase, V.C. Stuart.  
Earle, William, Uckerby, Yorkshire, Salesman. May 27. Tarleton & Earle, V.C. Stuart.  
Haden, William, Sandysfield, Sedgely, Staffordshire, Nail Factor. May 26. Haden & Haden, M.R.  
Woodward, John, Uckfield, Sussex, Gent. May 31. Woodward & Wood- ward, V.C. Stuart.



**Assignments for Benefit of Creditors.**

FRIDAY, April 25, 1862.

Beckett, Joseph, and John Beckett, London-rd, Manchester, Grocers. March 23. Sol Sutton, Manchester. Reg April 25.  
 Chappell, John Lewis, Hillsley, Gloucestershire, Butcher. April 21. Sols Bracey & Dauncey, Wotton-under-edge.  
 Wilson, Robert, Cockermouth, Corn Miller. April 21. Sols Walker & Ramsay, Cockermouth.

TUESDAY, April 29, 1862.

Jones, Isaac, Liverpool, Beerhouse Keeper. April 3. Sol Teebay, Liverpool.

**Deeds registered pursuant to Bankruptcy Act, 1861.**

FRIDAY, April 25, 1862.

Anderson, William, & Robert Dempster, jun., Wells, Somersetshire, Drapers. March 31. Inspectorship. Reg April 25.  
 Atwater, Henry Faulconer, Exmouth, Innkeeper. April 2. Composition. Reg April 23.  
 Bamford, George, 97 Allen-st, Sheffield, Grocer. March 27. Assignment. Reg April 23.  
 Booth, Mary Ann, late of Holt-hill, Tranmere, Cheshire, Widow. April 12. Assignment. Reg April 24.  
 Bratt, James, Mott-st, St. George's, Birmingham, Timman's Furniture Manufacturer. April 4. Arrangement. Reg April 24.  
 Brook, Ruth, & Joshua Brook, Bradford, Hatters. April 1. Assignment. Reg April 25.  
 Browne, John Benson, Newcastle-under-Lyne, Mineral Merchant. April 9. Composition. Reg April 25.  
 Chidley, John Robert, 25 Old Jewry, London, Attorney and Solicitor. April 24. Composition. Reg April 24.  
 Connell, Thomas James, 64 and 65 Pennyfields, Poplar, Middlesex, Trimming Seller. March 26. Composition. Reg April 23.  
 Cooper, Thomas, Derby, and of Newcastle, Fell Monger. April 3. Assignment. Reg April 23.  
 Denley, James, 1 Norwood-pl, Suffolk-rd, Cheltenham, Carpenter. March 26. Composition. Reg April 23.  
 Dunn, Richard Penniston, Windsor, Auctioneer. March 29. Assignment. Reg April 25.  
 Eaton, Charles, & Spencer Eaton, Dean-st, Birmingham, Leather Factors. March 31. Conveyance. Reg April 23.  
 Fox, John, Halifax, Grocer. April 19. Assignment. Reg April 23.  
 Giles, Barnet, Yeovil, Somersetshire, Jeweller. April 15. Composition. Reg April 23.  
 Gordon, John, 13 Brunswick-ter, Leeds, Draper. March 28. Assignment. Reg April 23.  
 Halkyard, Joseph, Bottom-oth-Moor, Oldham, Cotton Waste Dealer. April 2. Assignment. Reg April 23.  
 Heywood, John, Barker-st, Oldham, Plumber and Glazier. March 25. Assignment. Reg April 23.  
 Holmes, Arthur Newstead, Hall-lane, Bowling, Bradford, Surgeon. April 15. Assignment. Reg April 23.  
 Holmes, Thomas Weekes, 5 Catherine-st, Strand, Middlesex, Newspaper Proprietor. April 16. Assignment. Reg April 24.  
 Illife, Henry Thomas, Ashton-under-Lyne, Watchmaker. March 27. Assignment. Reg April 23.  
 Lea, Charles Henry, Chelsey, Staffordshire, Farmer. April 1. Composition. Reg April 24.  
 Lewis, William, Cardiff, Tonnor. March 25. Conveyance. Reg April 23.  
 Middleton, John, Newport, Monmouthshire, Ironmonger. March 28. Assignment. Reg April 23.  
 Middleton, Robert, Coventry, Tobaccoist. April 7. Composition. Reg April 25.  
 Munday, Walter James Henry, Lincoln, Commission Agent. March 28. Assignment. Reg April 23.  
 Nuttall, James, 53 Jewin-st, Aldgate, London, Glove Manufacturer. April 14. Composition. Reg April 24.  
 Pashby, Thomas, Birmingham, Builder. April 10. Composition. Reg April 23.  
 Rudland, William, King's Lynn, Coal Merchant. March 26. Composition. Reg April 23.  
 Sims, George, 1 Temple-st, Bristol, Grocer. April 3. Conveyance. Reg April 24.  
 Snape, Joseph, Bilston, Staffordshire, Draper. March 28. Assignment. Reg April 23.  
 Sparrow, Arnold, 5 Crosby-row, Walworth, Surrey, Linen Draper. March 25. Assignment. Reg April 23.  
 Stephenson, John, Newcastle-upon-Tyne, Butcher. March 27. Assignment. Reg April 24.  
 Taylor, Benjamin, Patricroft, Manchester, Provision Dealer. April 2. Composition. Reg April 25.  
 Tldmas, James Samuel, 138 High-st, Notting-hill, Middlesex, Linendraper. April 1. Composition. Reg April 25.  
 Walmsley, Robert, jun., Liverpool, Flour Dealer. March 31. Assignment. Reg April 23.  
 Wilkinson, Jonathan, Grimesthorpe, Sheffield, Gas Engineer. March 29. Assignment. Reg April 23.  
 Yardley, James, Appleby, Leicestershire, Publican. March 27. Assignment. Reg April 23.  
 Yeo, William, 1 North End-rd, Finchley-rd, St. John's-wood, Middlesex, Bricklayer. April 17. Conveyance. Reg April 19.

TUESDAY, April 29, 1862.

Allsop, Francis, Hereford, Shoe Dealer. April 9. Inspectorship. Reg April 29.  
 Barber, Edward Barton, Northgate-st, Canterbury, Grocer. March 29. Assignment. Reg April 25.  
 Barker, Mary, Road, Northamptonshire, Innkeeper. April 4. Composition. Reg April 28.  
 Bratt, George, Bristol, Ironfounder. March 31. Conveyance. Reg April 25.  
 Britton, John, Norwich, Lucifer Match Manufacturer. March 17. Composition. Reg April 25.  
 Bullock, William Gibson, Charlotte-st, North Shields, Boot and Shoe Dealer. April 2. Assignment. Reg April 25.  
 Carruthers, John, Wigan, Grocer. April 17. Composition. Reg April 26.

Crosby, John, Holme, Burton, Westmorland, Grocer. April 11. Assignment. Reg April 25.  
 Dixon, William, Shotley Bridge, Durham, Licensed Victualler. April 7. Composition. Reg April 23.  
 Fielden, James Howarth, Shawforth, Rochdale. April 7. Assignment. Reg April 26.  
 Glover, Henry Ben, 12 John-st, Albany-rd, Camberwell, Surrey, Accountant. April 1. Assignment. Reg April 23.  
 Hart, Benjamin, 2 Marylebone-st, Regent-st, Middlesex, Tailor. April 24. Composition. Reg April 25.  
 Hart, Elizabeth, Pendleton, Draper. March 31. Assignment. Reg April 28.  
 Hewett, Augusta Charlotte, Bedford, Widow. April 4. Assignment. Reg April 25.  
 Horton, Joseph, and Sarah his wife, William Farmer, and Joseph Farmer, Birmingham, Cut Nail Manufacturers (Sarah Farmer & Sons). April 14. Assignment. Reg April 25.  
 Jagger, William Whitley, Ashton-under-Lyne, Grocer. March 29. Composition. Reg April 25.  
 Jones, Edward, Bristol, Tallow Merchant. April 2. Composition. Reg April 28.  
 Kennard, Augustus William, 35 Camomile-st, London, Cork Manufacturer. April 23. Composition. Reg April 29.  
 Kimberley, John, Oldbury, Worcestershire, Ironmaster. April 26. Assignment. Reg April 28.  
 Nicholson, George, Liverpool, Currier. April 24. Composition. Reg April 26.  
 Pettifor, Thomas Charles, Victoria-crescent, Haverstock-hill, Middlesex, Draper. March 31. Assignment. Reg April 28.  
 Scott, Richard, Farnworth, Nottinghamshire, Farmer. April 4. Conveyance. Reg April 26.  
 Scott, Robert, Shotley Bridge, Durham, Gas Fitter and Draper. April 3. Composition. Reg April 25.  
 Smith, Frances, Lowther Arcade, Strand, Middlesex, Widow and Jeweller. March 31. Inspectorship. Reg April 26.  
 Smith, James, Rochdale, Travelling Draper. March 31. Assignment. Reg April 26.  
 Townsend, Richard, Clearwell, Newland, Gloucestershire, Stone Merchant. April 8. Composition. Reg April 26.  
 Walter, Henry, 15 Billiter-st, London, Merchant. March 31. Composition. Reg April 25.

**Bankrupts.**

FRIDAY, April 25, 1862.

Allard, Thomas, 7 High-st, Worcester, Hatter. Pet April 17. Worcester, May 9 at 11. Sol Corles, Worcester.  
 Anderson, Alexander, Stourport, Plumber. April 16. Worcester, May 14 at 10. Sol Batham, Kidderminster.  
 Ashford, William Charles, 744, Queen-st, Cheapside, Oilman. Pet April 19. London, May 6 at 1.30. Sol Marshall, 12 Hatton-garden.  
 Bacon, James, 16 Tower-st, Upper St. Martin's-lane, Middlesex, Plumber. Pet April 15. London, May 6 at 12. Sol Wright, 123 Chancery-lane.  
 Baker, Joseph, Farnbury, Kent, Fruiterer. Pet April 22. Tonbridge Wells, May 9 at 12. Sol Peverley, 19 Coleman-st, London.  
 Barnes, Mary, 96 Brunswick-rd, Liverpool, Fancy Toy Dealer. Pet April 23. Liverpool, May 7 at 3. Sol Grocott, Liverpool.  
 Bates, George, Park-st, Ripon, Organist. Pet April 23. Ripon, May 9 at 11. Sol Robinson, Ripon.  
 Bellinger, Alfred Lyons, Temple-bar Hotel, Fleet-st, London. April 16. London, May 6 at 12.30. Sol Aldridge, 46 Moorgate-st.  
 Boast, William, Upton, Norfolk, General-shop Keeper. Pet April 23. London, May 8 at 11. Sols Lawrence, Fieva, & Co., 14 Old Jewry-chambers, London.  
 Boulter, Joseph, Datchet, Buckinghamshire, Carpenter. April 19. Windsor, May 3 at 11.  
 Bracey, Charles, Blewitt-st, Monmouthshire, Grocer. Pet April 19. Newport, May 7 at 11. Sol Cathcart, Newport.  
 Brown, Alfred, High-st, Portsmouth, Watchmaker. Pet April 17. London, May 6 at 2. Sol Howell, 15 Bow-lane.  
 Buckland, John, Ripley, Derbyshire, Journeyman Shoemaker. April 17. London, May 13 at 10. Sols Aldridge & Bromley, 46 Moorgate-st.  
 Butler, Thomas, 5 Park-st, Birmingham, Boot and Shoe Maker. Pet April 23. Birmingham, May 26 at 10. Sol Parry, Birmingham.  
 Capp, John, Loughborough, Fellmonger. Pet April 17. Loughborough, May 9 at 11. Sol Perkins, Loughborough.  
 Capstick, William, Liverpool, Wheelwright. Pet April 23. Liverpool, May 7 at 11. Sol Husband.  
 Chalk, Arthur, Fordingbridge, Hampshire, Bricklayer. Pet April 23. London, May 6 at 2. Sols Loftus & Young, New-inn, London, for Davy, Fordingbridge.  
 Clark, John, 7 Euston-sq, Middlesex, Tutor. Pet April 19. London, May 15 at 11. Sols E. Sydney & Son, 45 Finsbury-circus.  
 Collins, William, 4 Sidney-rd, Homerton, Middlesex, Clerk to an Upholsterer. Pet April 23. London, May 6 at 1. Sol Richards, 16 Warwick-st, Regent-st.  
 Cracknell, Joseph, Harwich, Essex, Mariner. Pet April 17 (in forma pauperis). London May 7 at 11. Sol Aldridge, 46 Moorgate-st.  
 Crompton, James, 51 Higher Bridge-st, Bolton, Stone Mason. Pet April 17. Bolton, May 14 at 10. Sol Richardson, Manchester.  
 Cullen, William, Sutton, Coldfield, Warwickshire, Tailor. Pet April 23. Birmingham, May 12 at 12. Sols Southall & Nelson, Birmingham.  
 Davies, Robert, Troodryrhew, Merthyr Tydfil, Grocer. April 11. Merthyr Tydfil, May 14 at 11.  
 Eades, Joseph, Haden Hill, Rowley Regis, Staffordshire, Retailer of Beer. Pet April 23. Dudley, May 8 at 11. Sol Lowe, Dudley.  
 Edwards, Evan, 1 and 8 Alexander-mews, Alexander-st, Westbourne Park, Paddington, Livery Stable Keeper. Pet April 19. London, May 6 at 12. Sol Hill, 10 Basinghall-st.  
 Ellet, Thomas, 1 Upper Tower-st, Birmingham, Coal and Provision Dealer. Pet April 19. Birmingham, May 26 at 10. Sol East, Birmingham.  
 Evans, Elias, Shirley-rd, Freemantle, Southampton, Builder. Pet April 19. London, May 13 at 10. Sols Paterson & Son, 7 Bonville-st, Fleet-st, for Mackey, Southampton.  
 Evans, Joseph, New Market-st, Uak, Monmouthshire, Coal Agent. Pet April 17. Uak, May 14 at 11. Sol Waddington, Uak.  
 Frost, George, 139 High-st, Chatham, Pork Butcher. Pet April 22. Rochester, May 6 at 11. Sol Morgan, Maidstone.  
 Gamble, Walter, Slough, Buckinghamshire, Painter. April 19. Windsor, May 8 at 11.

Garrot, Joseph, Sheffield, Hosier. Pet April 19. Leeds, May 5 at 10. Sol Binney, Sheffield.

Gilbert, George, Greatford, Lincolnshire, Publican. Pet April 12. Stamford, May 5 at 11. Sol Law, Stamford.

Giles, George, 129 Hope-st, Birmingham, Brassfounder. Pet April 22. Birmingham, May 26 at 10. Sol Francis, Birmingham.

Green, Thomas, Woodford, near Thrapston, Northamptonshire, Butcher. Pet April 23. Thrapston, May 12 at 10. Sol Richardson, Oundle.

Guy, Thomas, & Henry, Guy, Colshill-st, Birmingham, Chemists and Druggists. Pet April 9. Birmingham, May 12 at 12. Sol Green, Birmingham.

Haddon, John, Floodgate-st, Birmingham, Engineer. Pet April 21. Birmingham, May 26 at 10. Sols J. & W. Brown, Birmingham.

Hellon, William, Daltongate, Ulverstone, Commission Agent. Pet April 22. Ulverstone, May 26 at 12. Sol Jackson, Ulverstone.

Hewitt, Thomas Osborne, Eaton-Soccon, Bedfordshire, Tailor. Pet April 12. St. Neots, May 1 at 2. Sols Wilkinson & Butler, St. Neots.

Hill, Henry, Albion Mills, Backchurch-lane, Middlesex, Oil Refiner. April 16. London, May 8 at 12. Sol Wyatt, Cophall-bldgs.

Hill, Walter, 23 Lisle-st, Leicester-sq, Middlesex, Saddler's Ironmonger. Pet April 23. London, May 8 at 11. Sols Digby & Son, 90 Chancery-lane.

Hill, William, Swanses, Licensed Victualler. Pet April 23. Bristol, May 13 at 11. Sols Bevan, Pross, & Inskip, Bristol.

Holgate, John, Bradford, Draper. Pet April 22. Leeds, May 8 at 11. Sols Dawson, Bradford, and Bond & Barwick, Leeds.

Humble, George, 227 High-st, Southwark, Hop Merchant. Pet April 23. London, May 6 at 2. Sols Lawrence, Pews, & Boyer, 14 Old Jewry-chambers.

Irving, William, Mount Pleasant, Appleby, Westmoreland, Tea Dealer. Pet April 22. Appleby, May 12 at 11. Sol Thompson, Appleby.

Jackson, John, 173 Park-st, Birmingham, Commission Agent. Pet April 23. Birmingham, May 26 at 10. Sol Duke, Birmingham.

Jones, Robert, Hanger-lane, Tottenham, and 8 Abney-park-terrace, Stoke Newington, Middlesex, Hosier and Commercial Traveller. Pet April 23. London, May 7 at 11. Sol Beard, Basinghall-st, London.

Jubb, William, Hanging Heaton, near Dewbury, Yorkshire, Manufacturer. April 15. Leeds, May 8 at 11.

Knibb, William, Stoneleigh, Warwickshire, Baker. Pet April 23. Birmingham, May 12 at 12. Sol Duke, Birmingham.

Lester, George, 115 High-st, Poplar, Bulder. April 16. London, May 6 at 1. Sol Aldridge, 46 Moorgate-st.

Lillyman, George, Northampton, Brush Maker. Pet April 22. Northampton, May 8 at 1. Sols Shildt & White, Northampton.

Lovell, Cornelius Ash, Taunton, Iron and Brass Founder. Pet April 22. Taunton, May 7 at 12. Sol Trenchard, Taunton.

Lucas, Charles, 21 Garlick-hill, London, Portmanteau Manufacturer. Pet April 23. London, May 13 at 10. Sol Peverley, 19 Coleman-st.

Lupton, John, 10 & 12 Fontenoy-st, Liverpool. Pet April 23. Liverpool, May 6 at 3. Sol Henry, Liverpool.

Maber, Charles, Crane Bridge, Bawdrip, Somersetshire, Blacksmith. Pet April 31. Bridgwater, May 14 at 10. Sol Barham, Bridgwater.

Marsden, Nathan, 7 Moreton-st, Strangeways, Manchester, Commission Agent. Pet April 23. Manchester, May 6 at 12. Sol Gardner, Manchester.

Marshall, James, Castle Cary, Somersetshire, Innkeeper. Pet April 23. Bristol, May 13 at 11. Sols Balch, Bruton, Somerset, and Henderson, Bristol.

Marshall, Thomas, Castle Cary, Somersetshire, Market Gardener. Pet April 23. Bristol, May 13 at 11. Sols Balch, Bruton, and Henderson, Bristol.

Marshall, Thomas, Henry-st, Troy Town, Rochester, Pickle Merchant. April 16. London, May 6 at 12.30. Sol Aldridge, 46 Moorgate-st.

Marwick, Henry, Jun, New Town, Uckfield, Sussex, Builder. Pet April 23. London, May 6 at 1.30. Sol Goodman, Brighton.

Meklam, John, 6 Walton-villas, Brompton, Middlesex. Pet April 23. London, May 7 at 11.30. Sols Walker & Co., 3 Southampton-st, Bloomsbury.

Miles, James, Mortimer, West End, Hampshire, Timber Merchant. April 15. Basingstoke, May 7 at 11.

Moor, George, John, 114 Brick-lane, Spitalfields, Middlesex, Licensed Victualler. April 16. London, May 6 at 1. Sols Treherne & White, 13 Barge-yd-chambers, Bucklersbury.

Moor, Thomas, Royal-hill, Greenwich, Hay and Straw Dealer. April 16. London, May 6 at 1.

Newman, George, Stanwell, Middlesex, Baker. Pet April 9. London, May 6 at 2. Sol Haynes, 12 Southampton-bldgs, Chancery-lane.

Newton, Robert, Shepherd-green, Sheffield, Publican. April 17. Leeds, May 5 at 10.

Nick, William Price, 49 Drummond-st, Euston-sq, Middlesex, Warehouseman. Pet April 23. London, May 7 at 11. Sol Holt, Quality-ct.

Nolan, William, Kirton in Lindsey, Coal Dealer. Pet April 19. Brigg, May 12 at 11. Sol Howlett, Kirton in Lindsey.

Osborne, Abel, Sheffield-rd, Barnsley, Beer-house Keeper. Pet April 22. Barnsley, May 22 at 3. Sol Hamer, Barnsley.

Osborne, Rebecca, Allen-st, Sheffield, Beer-house Keeper. Pet April 23. Sheffield, May 7 at 2. Sol Turner, Sheffield.

Painter, Edward, 6 Charles-pl, York-rd, Lambeth, Barman. Pet April 23. London, May 8 at 12. Sol Hare, 6 Old Jewry.

Parry, John, sen, Birch House, Tregynon, Farmer. April 10. Welch-pool, May 8 at 1.

Phillips, William, Comdon, near Coventry, Land Surveyor. Pet April 23. Coventry, May 13 at 3. Sols Minster & Sons, Coventry.

Pinegar, George, Paul-st, Exeter, Groom. Pet April 15. Exeter, April 30 at 11. Sol Fryer, St Thomas the Apostle.

Prosser, William, Llanelli, Bulder. Pet April 21. Crickhowell, May 8 at 11. Sol Davies, Crickhowell.

Raphael, Joseph, Howard's Coffee House, 3 St. James's-pl, Aldgate, London, Licensed Victualler, and 36 Aldermanbury, General Merchant. Pet April 24. London, May 14 at 11. Sol Solomon, 22 Finsbury-pl.

Rhead, Sampson, Bucknall, Staffordshire, Market Gardener. April 16. Hanley, May 10 at 11. Sol Litchfield, Newcastle.

Richardson, Thomas, Middle Raseen, Lincolnshire, Miller. Pet April 19. Market Raseen, May 10 at 12. Sols Brown & Sons, Lincoln.

Rose, George, Lower Loveday-st, Birmingham, Ironfounder. Pet April 23. Birmingham, May 26 at 10. Sol East, Birmingham.

Rose, Thomas, Haddenham, Buckinghamshire, Butcher. Pet April 22. Thame, May 9 at 11. Sol Benson, Aylesbury.

Russell, Frederick, Roberts-pauper, Sussex, Baker. Pet April 22. Hastings, May 7 at 11.30. Sol Goodman, Brighton.

Schmitt, Jacob, 23 Church-st, Stoke Newington, Middlesex, Baker. Pet April 24. London, May 8 at 12. Sol Layton, 2 Church-row, Islington.

Smith, John, High-st, Barnet, Boot and Shoe Maker. Pet April 11. London, May 6 at 1. Sol Holt, Quality-ct.

Smith, Thomas, Dawley-green, Dawley, Salop, Beerseller. Pet April 19. Macclesley, May 10 at 12. Sol Beeson, Wellington.

Smith, William, Temple Balsall, Hampton in Arden, Warwickshire, Castle and Pig Dealer. Pet April 23. Birmingham, May 9 at 12. Sols New-sam & Chadwick, Warwick, and James & Knight, Birmingham.

Stanesby, John, Duffield, Derbyshire, Innkeeper. Pet April 21. Birmingham, May 13 at 11. Sols Gamble & Leach, Derby.

Thorne, John Green, 12 Monmouth-st, Walcott, Bath, Plumber. Pet April 21. Bath, May 6 at 11. Sol Bartrum, Bath.

Ward, Richard, Forncett, St Peters, Norfolk, Dealer. Pet April 16 (in forma pauperis). Wymondham, May 8 at 11. Sol Atkinson, Norwich.

Watkins, Alfred, 99 Hemingford-rd, Islington, Middlesex, Watch Maker. Pet April 23. London, May 7 at 11. Sol Layton, jun, 9 Church-row, Islington.

West, George, King of Prussia Inn, Gosport, Innkeeper. April 15. Portsmouth, May 8 at 11. Sol Stening, Portsmouth.

White, George, Doncaster, Butcher. April 15. Leeds, May 5 at 10.

Williams, James Fosbury, Potter's Bar, Middlesex, Bulder. Pet April 23. London, May 13 at 10.

Wood, George, Woodside, Northumberland, Farmer. April 19. Newcastle-upon-Tyne, May 6 at 12.30. Sol Hoyle, Newcastle-upon-Tyne.

Woolley, William, Bellar-gate, Nottingham, Licensed Victualler. Pet April 23. Nottingham, May 7 at 10. Sol Coope, Nottingham.

## TUESDAY, April 29, 1862.

Armitage, James, Dewsbury, Yorkshire, Gear and Slaymaker. April 15. Dewsbury, May 23 at 11. Sol Hare, Leeds.

Bascombe, Joseph, 46 Moorgate-st, Stepney, Middlesex, Bulder. Pet April 24 (in forma pauperis). London, May 15 at 12. Sols Aldridge & Bromley, 46 Moorgate-st.

Blockwell, Francis, Arnold-st, Lowestoft, Butcher. Pet April 15. Ipswich, May 12 at 2. Sol Pollard, Ipswich.

Brooks, John Edward, Maryland-st, Stratford, Middlesex, Carpenter. Pet April 24 (in forma pauperis). London, May 15 at 12. Sols Aldridge & Bromley, 46 Moorgate-st.

Brown, William, Cosbarn, Derbyshire, Tinner. Pet April 24. Birmingham, May 13 at 11. Sol Heywood, Derby.

Burton, George, Bradford, Yorkshire, Engraver. Pet April 25. Leeds, May 12 at 11. Sols Dawson, Bradford, and Bond & Barwick, Leeds.

Carlton, John, 81 New Queen-st, Sheffield, Picture Frame Maker. Pet April 25. Sheffield, May 9 at 2. Sol Broadbent, Sheffield.

Clemetson, William, 7 Havelock-pl, Green-st, Bethnal-green, Middlesex. Pet April 24 (in forma pauperis). London, May 13 at 11. Sol Aldridge, 46 Moorgate-st.

Collins, Frederick, Surrey-villa, Kennington-rd, Surrey, Law Clerk. Pet April 24 (in forma pauperis). London, May 13 at 11. Sol Aldridge, 46 Moorgate-st.

Cress, Henry, 46 Commercial-rd, Landport, Hants, Coach Painter. Pet April 23. Portsmouth, May 12 at 11. Sol Pafford, Portsmouth.

Cress, William, Upton-upon-Severn, Plumber and Glazier. Pet April 14. Birmingham, May 12 at 12. Sols Cawley, Great Malvern, and James & Knight, Birmingham.

Cress, Thomas John, 12 John-st, Minories, London, Grocer. Pet April 25. London, May 12 at 11. Sol Courtenay & Crosse, 9 Gracechurch-st.

Cutler, John, 68 Butler-st, Oldham-rd, Manchester, Bear Seller. Pet April 23. Manchester, May 13 at 9.30. Sol Swan, Manchester.

Dalton, John, Firebeacon, Lincolnshire, Innkeeper. Pet April 16. Kingston-upon-Hull, May 14 at 12. Sols Bond & Barwick, Leeds.

Daniels, Thomas, Magdalen-rd, New Catton, Norwich, Butcher. Pet April 24. London, May 13 at 12. Sols Doyle, 2 Vernal-bldgs, Gray's-inn, for Ladd, Norwich.

Darby, George, Holland Park Riding School, Holland Park-rd, Kensington, Middlesex, Licensed Stalon Keeper. Pet April 24. London, May 13 at 12. Sols Wild & Barber, 104 Ironmonger-lane, London.

Davis, James, Wood-green, Middlesex, Bulder. Pet April 24 (in forma pauperis). London, May 14 at 11. Sol Aldridge, 46 Moorgate-st.

Dimmock, Matthias, Heath Mill-lane, Deritend, Birmingham, Coal Dealer. Pet April 25. Birmingham, May 26 at 10. Sol Parry, Birmingham.

Donovan, Daniel, 68 Quarry-row, Merthyr Tydfil, Beer-house and Marine Store Dealer. Pet April 24. Merthyr Tydfil, May 10 at 2. Sol Forwood, Merthyr Tydfil.

Ellingham, Samuel George, Duddeston-row, Birmingham, Letter Carrier. Pet April 25. Birmingham, May 26 at 10. Sol Powell, Birmingham.

Elliot, William, Low Teams, Durham, Bulder. Pet April 22. Newcastle-upon-Tyne, May 15 at 12. Sol Storey, Newcastle-upon-Tyne.

Evans, David, Rhewlhirithel, Llanfair, Montgomeryshire, Farmer. Pet April 25. Liverpool, May 12 at 12. Sol Jones, Newtown.

Evans, Hugh, 23 Plumbe-st, Liverpool, Beer-house Keeper. Pet April 25. Liverpool, May 12 at 3. Sol Thornley, Liverpool.

Farrer, Edwin, Phoenix Inn, Twyford, Victualler and Grocer. Pet April 24. Winchester, May 10 at 11. Sol Hollis, Winchester.

Fisher, John Tulloch, Barking-rd, Plaistow, Essex, Auctioneer. Pet April 26. London, May 14 at 11.30. Sol Evans, 10 John-st, Bedford-row.

Fors, Thomas, 16 Wellington-st, Gravesend, Dealer in Gunpowder. April 16. Mablestone, May 7 at 11.

Franklin, Edward, and Elizabeth Glaze, High-st, Dawley, Boot and Shoe Makers. Pet April 26. Madeley, May 10 at 12. Sol Taylor, Wellington.

Fryer, Charles, Allice-villa, Cheltenham-rd, Bristol, Insurance Agent. Pet April 26. Bristol, May 12 at 11. Sol Dix, Bristol.

Gray, William Gover, 5 Nelson-pl, Edge Hill, Liverpool, Attorney-at-Law. Pet April 23. Liverpool, May 15 at 12. Sol Anderson.

Grundy, David, Levenshulme, Deane-gate, Manchester, Stationer. Pet April 25. Manchester, May 13 at 9.30. Sol Gould, Manchester.

Gurr, George Edward, 55 George-st, Hastings, Watch Maker. Pet April 25. Hastings, May 10 at 11. Sol Meadows, Hastings.

Harding, George, Mark-sq, 58 James-st, Kingston-upon-Hull, Cooper. April 16. Kingston-upon-Hull, May 7 at 11.

Hall, William Joseph, 97 Boundary-rd, St John's-wood, Schoolmaster. Pet April 24. London, May 13 at 12. Sol Dubois, 46 Coleman-st.

Harper, John, Clifton-ter, Finch-st, Handsworth, Staffordshire, Commission Agent. Pet April 25. Birmingham, May 25 at 10. Sol Assender, Birmingham.

Harper, John James, Chestwood-lane, Chestham, Upholsterer. Pet April 24. Salford, May 10 at 10. Sol Ambler, Manchester.

Harris, Charles, 3 Bear-gardens, Banksie, Southwark, Contractor. Pet April 23. London, May 13 at 12. Sol Buchanan, 13 Basinghall-st.

Hill, Arthur Frederick, Norwich, Corn Merchant. Pet April 25. London, May 13 at 11. Sol Chilton & Co, 25 Chancery-lane, and Gooday, Sudbury.

Honeyfield, William, Glasbury, Breconshire, Innkeeper. Pet April 25. Bristol, May 12 at 11. Sol Cheese, Hay, and Brittan & Sons, Bristol.

Hopkins, George, Bye Mills, Stanton Drew, Somersetshire, Miller. Pet April 24. May 12 at 12. Sol Figeon, Bristol.

Hopkins, Henry, Peterborough, Northamptonshire, Fruiterer. Pet April 16. Peterborough, May 10 at 10. Sol Law, Stamford.

Hurry, William, Whitlows, Isle of Ely, Licensed Victualler. Pet April 26. London, May 15 at 12.30. Sol Sole & Co, 68 Aldermanbury, and Gaches, Peterborough.

Ireton, Henry, sen, 349 Summer-lane, Birmingham, Fruiterer. Pet April 24. Birmingham, May 26 at 10. Sol Perry, Birmingham.

Ison, John, Nailstone, Leicestershire, Wheelwright and Parish Clerk. Pet April 24. Market Bosworth, May 14 at 12. Sol Harvey, Leicester.

Kelchley, Joseph, Fawcett's-bldgs, Oldham-rd, Newton-leath, near Manchester, Provision Dealer. Pet April 25. Manchester, May 13 at 9.30. Sol Dawson, Manchester.

Kettle, Benjamin, Leeds, Sewing Machine Manufacturer. Pet April 23. Leeds, May 12 at 11. Sol Simpson, Leeds.

King, Joseph, Nightingale Tavern, Hotwell-rd, Bristol, Publican. Pet April 24. Bristol, May 9 at 12. Sol Clifton & Benson.

Knight, Margaret Caldwell, Royd, Stansfield, Yorkshire, Schoolmistress. Pet April 24. Todmorden, May 15 at 10. Sol Blomley, Todmorden.

Knowles, Charles, Sheffield, Hower. Pet March 25. Leeds, May 13 at 9.30. Sol Needham, Manchester.

Lamb, Thomas, Sale-moor, Cheshire, Plumber. Pet April 24. Manchester, May 9 at 12. Sol Needham, Manchester.

Law, William Hartill, 36 Deptford-green, Deptford, Journeyman Boiler Maker. Pet April 26. London, May 13 at 11. Sol Silvester, 18 Great Dover-st.

Leaver, Thomas, 2 West End-cottages, St Peter's-grove, Hammersmith, Omnibus Conductor. Pet April 24 (in forma pauperis). London, May 13 at 10. Sol Aldridge & Bromley, 46 Moorgate-st.

Lewis, Harriett, 25 High-st, West Cowes, Widow, Baker. Pet April 24. London, May 13 at 10. Sol Dubois, 56 Coleman-st.

Lomax, Thomas, Preston, Lancashire, Gent. Pet April 25. Manchester, May 10 at 11. Sol Rowley & Son, Manchester.

Manning, Frederick John, 3 Melcombe-pi, Dorset-sq, Middlesex, Attorney-at-law. Pet April 24. London, May 13 at 11. Sol Peckham, 40 Ludgate-st.

Martin, Hector, Warmminster-rd, Westbury, Wilts, Grocer. Pet April 19. May 7 at 11. Sol Bartrum, Trowbridge.

Medealf, Charles, 19 Union-sq, Borough, Surrey, Pork Butcher. Pet April 24 (in forma pauperis). London, May 14 at 11. Sol Aldridge, 46 Moor-gate-st.

Moore, William Lambert, Sykes-st, Kingston-upon-Hull, Attorney's Clerk. April 16. Kingston-upon-Hull, May 7 at 12.

Morris, Samuel, Old Bell Inn, Prospect-rov, Birmingham, Licensed Victualler. Pet April 25. Birmingham, May 26 at 10. Sol East, Birmingham.

Munro, George, and Allan Munro, 27 Blandford-st, Newcastle-upon-Tyne, Drapers. Pet April 23. Newcastle-upon-Tyne, May 15 at 12.30. Sol Bush, Newcastle-upon-Tyne.

Newman, Henry, 15 Hedges-grove, Hackney-wick, Middlesex, Builder. Pet April 24 (in forma pauperis). London, May 13 at 11. Sol Aldridge & Bromley, 46 Moorgate-st.

Packer, John, Bourton-on-the-Hill, Gloucestershire, Beerseller. April 15. May 13 at 12. Sol Wilkes, Gloucester.

Parkins, Joseph, 6 Springfield-rd, Abbey-rd, St John's-wood. Pet April 24. London, May 13 at 12. Sol Lewis & Lewis, 10 Ely-pl, Holborn.

Pickering, Henry, 13 Pine-st, Lower Broughton, Manchester, Clerk. Pet April 25. Salford, May 10 at 10. Sol Cobbett & Wheeler, Manchester.

Pike, Henry, Praed-cottage, West-st, Weston-super-Mare, Butcher. Pet April 22. Weston-super-Mare, May 13 at 12. Sol Smith & Haly, Weston-super-Mare.

Politt, Roger Walker, and Thomas Woods, Bolton, Lancashire, Iron-founders. Pet April 25. Bolton, May 15 at 10. Sol Edge, Bolton.

Potts, James, Church-st, Stoke, Stoke-upon-Trent, Pork putcher. Pet April 25. Stoke-upon-Trent, May 19 at 11. Sol E. & A. Tennant, Hanley.

Powell, John, 69 Rotherfield-st, Islington, Middlesex, Warehouseman. Pet April 25. London, May 13 at 11. Sol Howell, 15 Bow-lane.

Prangley, John, Corseley, Wilts, Butcher. Pet April 26. Warminster, May 13 at 1. Sol Dunn.

Proudman, Joseph, 239 Whitechapel-rd, Middlesex, Saddler. Pet April 25. London, May 14 at 11. Sol Treherne & Co, 17 Gresham-st.

Reeves, William, Westgate Hotel, Winchester, Innkeeper. Pet April 26. London, May 14 at 10. Sol Godwin & Pickett, 3 King's-bench-walk, and Bailey, Winchester.

Rogers, William Henry, 84 Bold-st, Chorlton-rd, Streiford, near Manchester, Warehouseman. Pet April 25. Salford, May 10 at 10. Sol Rawlinson, Manchester.

Shaw, George, Lincoln, Dealer in Clocks. Pet April 21. Kingston-upon-Hull, May 14 at 12. Sol Brown & Son, Lincoln.

Smith, Benjamin, Ludborough, Lincolnshire, Brick and Tile Maker. April 22. Kingston-upon-Hull, May 14 at 12. Sol Brown, Lincoln.

Sparrow, George, Glenthams, Lincolnshire, Innkeeper. Pet April 9. Kingston-upon-Hull, May 14 at 12. Sol Broomhead & Hebb, Lincoln.

Squire, William Montague, Liverpool, Music and Musical Instrument Dealer. Pet April 26. Liverpool, May 13 at 11. Sol Frodham, Liverpool.

Taylor, William, Motheringham, Lincolnshire, Tailor. Pet April 26. Lincoln, May 12 at 12. Sol Brown & Son, Lincoln.

Thompson, Thomas, 63 Frenchwood-st, Preston, Lodging-house Keeper. Pet April 24. Preston, May 17 at 10. Sol Turner & Son, Preston.

Thornton, James, Brighstone, Halifax, Veterinary Surgeon. Pet April 25. Halifax, May 10 at 10. Sol Norris & Foster, Halifax.

Thorpe, Thomas, 43 Sheffield-rd-st, Sheffield, Publican. Pet April 25. Sheffield, May 9 at 2. Sol Bradstreet, Sheffield.

Walker, George Edward, Wakefield. Pet April 19. Manchester, May 13 at 9.30. Sol Foster, Manchester.

Walker, Henry George, Duke-st, Southampton, Baker. Pet April 23. Southampton, May 19 at 12. Sol Mackey, Manchester.

Watkin, Richard, Henston, Llanynog, Montgomeryshire, Farmer. Pet April 26. Llanfyllin, May 24 at 12. Sol Jones, Welshpool.

Waghorne, William, Southborough, Tunbridge, Builder. Pet April 19. London, May 13 at 11. Sol Smith, Stanning & Croft, 3 Basinghall-st, and Stanning, Tunbridge.

Wear, Robert George William, Aashburnham-grove, Greenwich, formerly a Director of the Professional and General Loan and Discount Company (Limited). Pet April 29. London, May 15 at 1. Sol Lewis & Lewis, 10 Ely-pl, Holborn.

Weller, George, 16 Prince's-sq, Lambeth, Surrey, Builder. Pet April 23. London, May 15 at 12.30. Sol Beasley, 3 North-st, Wandsworth.

West, George, Louth, Gun Maker. Pet April 23. Kingston-upon-Hull, May 14 at 12. Sol Brown & Son, Lincoln.

Wheatcroft, Samuel, 24 Park-pl, Liverpool, Engineer. Pet April 26. London, May 15 at 12. Sol Crossley & Burn, 34 Lombard-st.

Williams, Joseph Arthur, 2 Penny-st, Portsmouth, Letter Carrier. Pet April 24. Portsmouth, May 12 at 11.30. Sol Cousins, Portsmouth.

Williamson, John, Gipton, Leeds, Licensed Victualler, Pet April 25. Leeds, May 13 at 11. Sol Preston, Leeds.

Wilson, Jonathan Scwell, 118 Friargate, Preston. Pet April 24. Preston, May 17 at 10. Sol Plant, Preston.

Woolley, Josiah, Holland-st, Nottingham, Rent Collector. Pet April 25. Nottingham, May 21 at 10. Sol Lees, Nottingham.

Woolloffe, Joseph, Servant, St Alban's Hall, Oxford. Pet April 24. London, May 15 at 12. Sol Sole & Co, 68 Aldermanbury.

## BANKRUPTCIES ANNULLED.

TUESDAY, April 29, 1862.

Shaw, John, Broughton-in-Furness, Lancashire, Druggist and Draper. April 24.

## NATIONAL ASSOCIATION for the PROMOTION OF SOCIAL SCIENCE and CONGRES INTERNATIONAL de BIENFAISANCE.

LONDON MEETING, June, 1863.

The SIXTH ANNUAL MEETING of the NATIONAL ASSOCIATION for the PROMOTION of SOCIAL SCIENCE, in conjunction with the Third Session of the Congrès International de Bienfaisance, will take place in London from the 5th to the 14th of June.

The Departmental meetings of the National Association will be held at GUILDHALL in the forenoon, and there will be evening meetings for the discussion of special subjects in BURLINGTON HOUSE. The Session of the Congrès will be held in the forenoon in Burlington House.

A series of Soirées will be given during the period of the meeting, and it is intended to provide for visits to places and institutions illustrative of the objects of the Association.

Members' Tickets, price One Guinea each (entitling to the volume of transactions), and Ladies' Tickets, price Half-a-Guinea, will admit to all the meetings of the Association and Congrès, and to the Soirées, &c. Tickets will be issued, and every information given on application at the Offices of the Meeting: at Guildhall, E.C.; and 12, Old Broad-street, W.

As the local expenses have in all former cases been borne by the towns in which the Association has met, and as the expenses of the London Meeting will necessarily be considerable, the Finance Committee appeal to the inhabitants of the City and the metropolis for contributions in aid of the local fund. For every £5 subscribed to this fund, Subscribers are entitled to a Member's ticket and a lady's ticket for the meeting.

Subscriptions will be received by Andrew Edgar, Esq., Finance Secretary, at the Office for the London Meeting, 12, Old Broad-street, W.; and at the City Office, Guildhall, E.C.; by Messrs. Ransome, Bourne, and Co., 1, Pall-mall East, S.W.; by the London and Westminster Bank, Lothbury, E.C.; by Messrs. Haywood, Kennard, and Co., 4, Lombard-street, E.C.; and by Mr. George Ledger, 4, Charlotte-row, Mansion-house, E.C.

GEORGE W. HASTINGS, Hon. Gen. Secretary

and Chairman of Executive Committee.

A. EDGAR, Finance Secretary.

G. WHITLEY, M.D., Foreign Secretary.

## LAW LIFE ASSURANCE SOCIETY, FLEET-STREET, LONDON.—Established 1823.

The invested Assets of this Society exceed FIVE MILLIONS STERLING; its Annual Income is FOUR HUNDRED AND NINETY-FIVE THOUSAND POUNDS.

Up to 31st December, 1861, the Society had paid in Claims upon death—  
Sums Assured ..... £4,329,378  
Bonus thereon ..... 1,115,296

Together ..... £5,444,676

The Profits are divided every fifth year. All participating Policies effected during the present year will, if in force beyond 31st December, 1864, share in the Profits to be divided up to that date.

At the Divisions of Profits hitherto made, Reversionary Bonuses exceeding THREE AND A HALF MILLIONS have been added to the several Policies.

Prospectuses, Forms of Proposal, and Statements of Accounts, may be had on application to the Actuary, at the Office, Fleet-street, London.

WILLIAM SAMUEL DOWNES, Actuary.

February, 1862.

Now ready,

**BEETON'S ILLUMINATED FAMILY BIBLE**  
Part I., 2s., with Illustrations by Bendemann, Overbeck, Rethel, Schnow, &c. The Ornamentation by Noel Humphreys. A Specimen Part sent Post Free for 24 Stamps.

London: S. O. BARNES, 248, Strand, W.C.; and all Booksellers.



## LAW STUDENTS' DEBATING SOCIETY, AT THE LAW INSTITUTION, CHANCERY LANE. ESTABLISHED MAY, 1836.

### QUESTIONS FOR DISCUSSION.

For Tuesday, May 6th, 1862. President—Mr. PEACOCK.

293.—A leasehold property was sold subject to an underlease, the lease and underlease were produced at the sale, but not examined by the purchaser. The lease contained a covenant to pull down the messuages on that part of the ground not underleased, and to rebuild at the end of the term, and the covenants in the underlease differ materially from those in the lease. Can the purchaser refuse to complete the contract?

Hall v. Smith, 14 Vesey, 420; Darlington v. Hamilton, 1 Kay, 550; Martin v. Cotter, 3 Joh. and Lat., 496; Jones v. Edney, 3 Camp, 285; Grosvenor v. Green, 5 Jur. N. S. 117.

Affirmative—Mr. DOWSE and Mr. J. ADDISON.  
Negative—Mr. A. JACKSON and Mr. F. BROWN.

For Tuesday, May 13th, 1862. President—Mr. DOWSE.

294.—A, by will made in 1829, gave all the residue of his real and personal estate to trustees upon trust to convert the same into money, and to stand possessed thereof upon trust to pay thereout £500 to B, and to pay the residue thereof unto C, for his absolute use. B. died in the lifetime of A. Is C. entitled to the benefit of the lapse of the £500.

1 Jarv. Wills, 2nd ed. p. 537, et seq.

Affirmative—Mr. HILLS and Mr. BLAKE.  
Negative—Mr. KENRICK and Mr. HINCHLIFF.

For Tuesday, May 20th, 1862. President—Mr. BRADFORD.

CIVIL.—Is the Budget as proposed by Mr. Gladstone this year, especially having regard to retaining the Income Tax in its present condition, satisfactory?

Mr. WOOLF is appointed to open the debate, and Messrs. HEWITT, H. J. RAOWN, and EDMONDS, to speak on the question.

For Tuesday, May 27th, 1862. President—Mr. WINGATE.

295.—Is a limitation in a marriage settlement in favour of an illegitimate child of the settlor, being the husband or wife, void as against a subsequent purchaser for value under the Stat. 37 Eliz. c. 4?

Wright v. Dickenson, 4 L. T. N. S. 21; Newcastle v. Scaries, 1 Atk. 268; Johnson v. Legard, 6 M. and S. 60.

Affirmative—Mr. BRADFORD and Mr. COLLINS.  
Negative—Mr. BURY and Mr. MYATT.

Members requiring Books from the Library are requested to apply for them in the Arbitration Room five minutes before Seven o'clock on the Evenings of Debate.

### THE COMMITTEE WOULD BE GLAD OF QUESTIONS FOR DISCUSSION.

GEO. L. WINGATE, Secretary,  
9, Cophthall-court, E.C.

## PELICAN LIFE INSURANCE OFFICE, ESTABLISHED IN 1797.

No. 70, Lombard-street, E.C., and 57, Charing Cross, S.W.

### DIRECTORS.

Octavius E. Coope, Esq.  
William Cotton, Esq. D.C.L., F.R.S.  
John Davis, Esq.  
Jas. A. Gordon, Esq. M.D., F.R.S.  
Edward Hawkins, Junr., Esq.  
Kirkman D. Hodgson, Esq., M.P.  
Henry Lancelot Holland, Esq.  
William James Lancaster, Esq.  
John Lubbock, Esq., F.R.S.  
Benjamin Shaw, Esq.  
Matthew Whiting, Esq.  
Mr. Wyvill, Junr., Esq., M.P.  
Robert Tucker, Secretary and Actuary.

EXAMPLES of the amount of Bonus awarded at the recent division of profits to Policies of £1,000 each, effected for the whole term of life at the undermentioned ages:—

Age when Assured.	Duration of Policy.	Bonus in Cash.	Bonus in Reversion.
30	7 years	29 7 0	£ 66 0 0
	14 years	£ 36 2 0	73 10 0
	21 years	44 5 0	82 0 0
40	7 years	49 13 6	84 10 0
	14 years	61 2 0	95 10 0
	21 years	75 2 6	108 0 0
60	7 years	95 4 6	127 10 0
	14 years	117 2 6	144 10 0
	21 years	144 1 0	165 10 0

\* \* \* For Prospectuses, Forms of Proposal, &c., apply at the Offices as above, or to any of the Company's Agents.

**EQUITABLE REVERSIONARY INTEREST SOCIETY,** 10, Lancaster-place, Strand.—Persons desirous of disposing of Reversionary Property, Life Interests, and Life Policies of Assurance, may do so at this Office to any extent, and for the full value, without the delay, expense, and uncertainty of an Auction.

Forms of Proposal may be obtained at the Office as above, and of Mr. HENDRICKS, the Actuary of the Society, Globe Insurance, Cornhill.

JOHN CLAYTON, } Joint Secretaries.  
F. S. CLAYTON, }

### TEDDINGTON, MIDDLESEX.

Very valuable Freehold and Tithe-free Estates, comprising Teddington Manor-house, with its extensive well laid out pleasure grounds, gardens, paddock &c. coach-house, stabling, entrance lodge, and other appurtenances, pleasantly situate at the north end of the village, near the church, and overlooking the River Thames; also on the opposite side of the road, and sloping down to the river, a capital meadow, containing about 11 acres, well adapted for building purposes; likewise about 75 acres of excellent building and accommodation land, upon the high road leading from the picturesque village of Teddington to the capital market town of Kingston-upon-Thames, and presenting numerous choice sites for the erection of first-class villa residences, together with several building plots, cottages, gardens, and other property in the village, the whole embracing about 100 acres.

**MESSRS. DRIVER** are instructed to **SELL by AUCTION**, at the MART, near the Bank of England, on FRIDAY, MAY 9, in Lots, the above important PROPERTIES, desirably situate near Bushey-park and the River Thames, and within a short walk of Hampton Court and other attractive features of this favourite locality. The new branch railway from Twickenham to Teddington and Kingston-bridge will, it is understood, be open for traffic during the ensuing summer, and thus bring this delightful suburban district within half an hour's journey of London.

Particulars and plans may be obtained of Messrs. JANSON, COBB, & PEARSON, Solicitors, 4, Basinghall-street, E.C.; and at the offices of Messrs. DRIVER, Surveyors, Land Agents, and Auctioneers, No. 5, Whitehall, London, S.W.

### NORTH RIDING OF YORKSHIRE. Most Valuable Freehold Estate.

## TO BE SOLD by AUCTION at the BLACK LION

HOTEL, in STOCKTON-UPON-TEES, in the county of Durham, on THURSDAY, the 19th day of JUNE, 1862, at TWELVE o'clock at noon (unless previously disposed of by private contract), by Mr. T. W. HORNSBY, Auctioneer, all that valuable and desirable Freehold Estate, comprising the Manor or Lordship of Facoby, in Cleveland, in the North Riding of the county of York, and the Advowson of the Vicarage of the parish church of Facoby aforesaid, together with the commutation rent charges in lieu of tithes, and the several messuages, farms, cottages, gardens, woods, plantations, lands, and hereditaments, situate in the townships of Carlton and Facoby in Cleveland aforesaid, and containing together 731a. 3r. 24p., be the same more or less. The woods and plantations extend to upwards of 100 acres, and the moor contains about 170 acres. Part of the estate contains the celebrated Cleveland Ironstone beds, and is being extensively worked upon it. The estate abounds with game, and is within a short distance of several packs of foxhounds. The market town of Stockton-upon-Tees is about 10 miles distant, Stokesley 3, North-alerton 15, and Thirsk 19, and the Potto and Sexhow stations of the North Yorkshire and Cleveland Railway are within a mile of the estate. Further particulars will appear in future advertisements.

Lithographed Plans and Particulars will be ready on the 9th day of May next, and may be obtained of the Auctioneer, 131, High-street, Stockton; of Mr. MATTHEW BOWSER, Land Agent, Stockton; of GEORGE CAPES, Esq., 1, Field-court, Gray's Inn, London; or of Messrs. DODDS & TROTTER, Solicitors, Stockton, from whom further particulars may be obtained. Stockton, April 10, 1862.

## JOHN GOSNELL & CO., PERFUMERS TO THE QUEEN, beg to recommend the following Fashionable and Superior Articles for the TOILET to the especial notice of all purchasers of Choice PERFUMERY.

John Gosnell & Co.'s JOCKEY CLUB PERFUME, in universal request as the most admired perfume for the handkerchief, price 2s. 6d.

John Gosnell & Co.'s LA NOBLESSE PERFUME—a most delicate perfume of exquisite fragrance.

John Gosnell & Co.'s GARIBALDI BOUQUET—a most choice and fashionable perfume.

John Gosnell & Co.'s RUSSIAN LEATHER PERFUME—a very fashionable and agreeable perfume.

John Gosnell & Co.'s BALL-ROOM COMPANION or FOUNTAIN PERFUMES. Elegant Novelties, in the form of Portable Handkerchief Perfumes in a neat case, which emits on pressure a jet of most refreshing perfume. Price 1s. and 1s. 6d. each.

John Gosnell & Co.'s LA NOBLESSE POMADE—elegantly perfumed, and highly recommended for beautifying and promoting the growth of Hair.

John Gosnell & Co.'s GOLDEN OIL—Melline—Macassar Oil—Bears Grease, &c., for the Hair.

John Gosnell & Co.'s CHERRY TOOTH PASTE is greatly superior to any Tooth Powder, gives the Teeth a pearl-like whiteness, protects the enamel from decay, and imparts a pleasing fragrance to the breath.

John Gosnell & Co.'s AMBROSIAL SHAVING CREAM, 1s. and 1s. 6d. a pots; also, in compressible tubes, for the convenience of persons travelling, price 1s.

John Gosnell & Co.'s INSTANTANEOUS HAIR DYE—The only Hair Dye which produces a good natural colour with perfect certainty, and with the least possible trouble.

Manufactory, 12, Three King-court, Lombard-street, London.

**ALBION SNELL**, Watchmaker and Jeweller, has removed to his New Premises, 114, High Holborn, seven doors east of King-street, where he respectfully solicits an inspection of his new and well-selected stock.

**SPANISH FLY**—248, High Holborn, A.L.X. ROSS'S Cantharides Oil is prepared from the Spanish Fly, which so moderately and regularly stimulates the skin as to make the hair and whiskers grow quickly. Sold at 3s. 6d., sent by return of post for 5d stamps. Microscopic inspection of the scalp gratis from 10 till 6.

